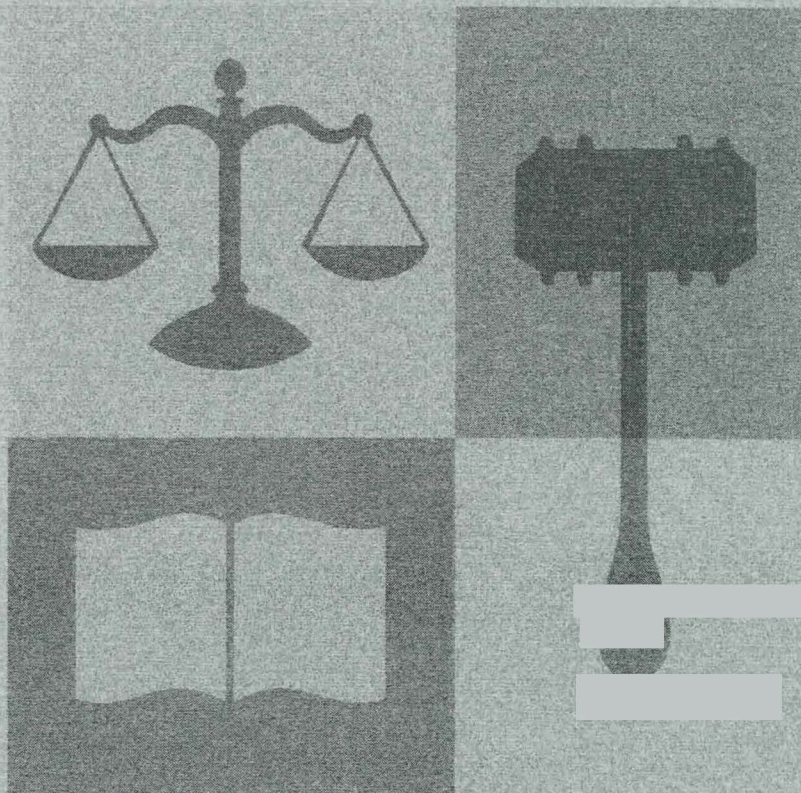


# State of Missouri Public Defender Commission



## Fiscal Year 2003 Annual Report

Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson, State Public Defender, Director  
Kathleen L. Lear, Comptroller/Legislative Liaison

[Http://www.publicdefender.mo.gov](http://www.publicdefender.mo.gov)

October 1, 2003



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J. Marty Robinson  
Director

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Comptroller

**M E M O R A N D U M**

**TO:** Governor Holden  
Chief Justice White  
Members of the General Assembly  
Presiding Judges

**FROM:** J. Marty Robinson, Director and  
Members of the State Public Defender Commission

**DATE:** October 1, 2003

**RE:** Fiscal Year 2003 Annual Report

With great pleasure we present this Annual Report for the Missouri State Public Defender System for fiscal year ended June 30, 2003.

Alarming caseload increases in FY2003, as well as the previous fiscal year, continue to be a great concern for our Department and Missouri's entire criminal justice system. Case assignments hit a record high. Even more alarming is our inability to dispose of cases assigned. The growing backlog of cases must be addressed before Missouri's criminal justice system reaches a crisis.

Total assigned cases in FY03 were 85,908, up from 82,206 of FY02. During this past fiscal year Missouri's public defenders were only able to dispose of 81,059 cases, a 94% disposition rate. This rate is unchanged from FY02, and represents the fourth consecutive year of serious case backlog. Between FY00 and FY03, Missouri's public defenders were assigned 320,638 cases. Dispositions, however, were just 301,253. This represents an overall disposition rate of just 94% and a backlog of nearly 20,000 cases.

Missouri's public defenders, as well as Missouri's criminal justice system, continue to fall further and further behind because there are simply not enough public defenders. Recruiting and retaining public defenders is paramount to the efficient and effective administration of Missouri's criminal justice system. Successful recruiting and retention is hampered by low salaries and crushing caseload demands.

Our Department continues to concentrate recruitment efforts at all Missouri law schools, as well as other law schools in the region. Nevertheless, the Missouri State Public Defender System is unable to hire attorneys for many public defender positions, particularly in rural areas of the state. Heavy workloads, low salaries and crushing student loan debt have greatly hampered our Departments ability to recruit and retain attorneys.



For Fiscal Year 2005 the State Public Defender Commission is requesting additional funds to address the crisis in our criminal justice system. More and better compensated public defenders are absolutely necessary to address this disturbing trend.

The State Public Defender Commission is requesting funds to improve attorney salaries for entry level and junior attorneys, (APD I, II, and III), senior attorneys (APD IV), and District Defenders. The attorney turnover rate for FY2003 was an alarming 22.41%. Many of these attorneys left the Department after two years or less when they quickly learned they could simply not afford to live on the salaries offered. The turnover of senior attorneys (APD IV) was better, but still an unacceptable 11%. Finally, District Defenders, the effective counterpart of full-time prosecutors, are paid just 64% of their full-time prosecutor equivalents.

Many new assistant public defenders are recent law school graduates. Student loan debt of \$50,000 to \$100,000 is not uncommon. The State Public Defender Commission is also requesting funds to begin a student loan reimbursement program. This program would be limited to new attorneys in their first 36 months of service to the State Public Defender. The State Public Defender Commission strongly believes improved public defender recruitment and retention is absolutely necessary to prevent a crisis in Missouri's criminal justice system. The proposed salary increases and student loan forgiveness are absolutely necessary to improve the attorney recruitment and retention.

Even with better salaries, there must be more public defenders to handle the ever increasing caseload demands. In short, Missouri's public defenders are not only underpaid, they are grossly overworked and unable to handle the cases expected of them. As such, the State Public Defender Commission has also requested funding for more public defenders in the Trial and Appellate Divisions. This request is based upon nationally recognized caseload standards designed to insure constitutionally guaranteed effective representation is provided.

The Missouri State Public Defender Commission and the Office of State Public Defender continue our efforts at securing adequate, efficient facilities for all public defender offices. As caseloads continue to decrease in metropolitan areas and increase in rural areas, the need to be flexible with statewide staffing and efficient use of statewide resources continues to be critical. The current statutory scheme for providing public defender office space (RSMo. 600.040.1) does not allow flexibility where needed. We once again propose and recommend a change to Chapter 600, allowing the Office of State Public Defender control of and budget for its own office space, rather than having office space a county obligation.

These are challenging times for the State of Missouri. Our fiscal problems are real, but Missouri's criminal justice system must go on, Our Constitution and the United States Constitution demand it. Missouri's public defenders play an integral role in this criminal justice system. Without them it could not go on.

Our dedicated lawyers and support staff continue their heroic efforts as the demands upon them increase. However, heroic efforts alone will not secure Missouri's criminal justice system. The trends in public defender caseloads and public defender retention are alarming to all Missourians desirous of a fair system of justice.

Thank you for your continuing interest in and support of our Department. We appreciate it, and desperately need it.



# **Public Defender Commission**

## **Annual Report – Fiscal Year 2003**

### **I. The Public Defender System**

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This is accomplished through an organized program capable of responding to the needs of all judicial jurisdictions within the state in an efficient, cost-effective manner.

Until 1989 defense services in many parts of the state, usually rural areas, were provided by private attorneys who had contracted with Missouri's Public Defender System to provide such services to the indigent accused. In fiscal years 1990 and 1991, the Missouri State Public Defender System was reorganized and the contract system of providing services was eliminated. Contract counsel were replaced by State Public Defender District Offices.

Today, the Missouri State Public Defender is organized into three legal service divisions, which include the Trial, Appellate, and Capital Divisions. The Trial Division (a map detailing the trial district offices can be found at the end of this report) provides legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in the trial courts, has offices in Kansas City, St. Louis, and Columbia. The Capital Division, which provides representation in cases at trial and on appeal when the death penalty is sought by the prosecution, has offices in Kansas City, St. Louis, and Columbia.

Every attorney in the Public Defender System handles cases representing Missouri's indigent accused of crimes. Management has been reduced to a minimum in order to maximize efficient use of the state's resources



## **Mission Statement**

**The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.**

**The lawyers, administrative staff, and support staff of the Public Defender System will ensure that this advocacy is not compromised.**

**To provide this uncompromised advocacy, the Missouri**

## **What Does a Public Defender Do?**

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in the county where the charge has originated. After an accused makes application for public defender services, the public defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is indigent and eligible for public defender representation. If the accused is found eligible by the defender, the defender undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may the court order the defender to represent the accused.

In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file required motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to provide representation to the client in a court of law. Representation of the accused extends to an appeal if, after the trial, the defendant is found guilty.

Using data from fiscal year 2003, a composite example of a "typical defender" can be developed. The "typical defender" will close 255 cases in the course of one year. This means the defender must dispose an average of one case each workday to insure successful management of the cases assigned. Approximately 100 of the cases assigned to the "typical defender" in a year are felonies. The breakdown by category of cases handled by the "typical defender" is presented on the following page.

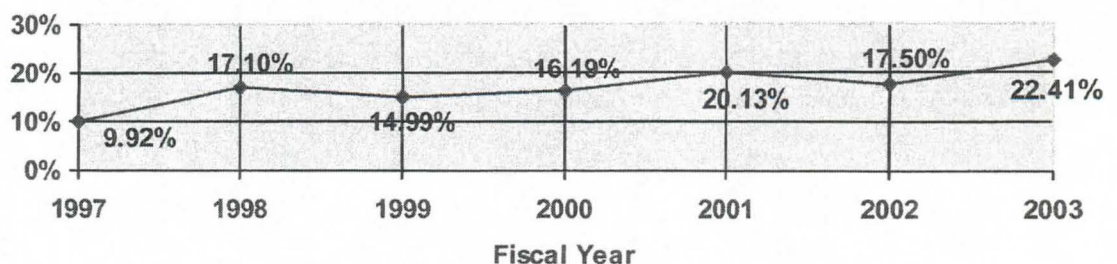


<b>FY2003</b> <b>State Public Defender System-Wide</b> <b>Composite Public Defender</b>	
Description	# of Cases
Homicide	1
A-B Felony	23
C-D Felony	82
Misdemeanor	77
Juvenile	12
Post Conviction Relief	2
Probation Violations	55
Appeals	3
Total Average Caseload Per System Attorney	255

Given the workload of our “typical defender,” the demand on attorney time is greater than ever. The average Public Defender provides representation in 255 cases each year; more than one per day every workday of every week for the entire year. Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys and support staff.

Historically, recruitment and retention of attorneys have been a tremendous problem for the State Public Defender System. Increased funding for attorney salaries in Fiscal Years 1995 and 1996, temporarily improved retention, reducing attorney turnover from 20% per year to 7% per year. Public Defender salaries have not kept pace with those in the rest of the legal community. As a result of the relatively low salaries, high caseloads and heavy student loan debt, attorney turnover is again increasing.

**Attorneys Leaving Public Defender System**





## **Caseload and Cost Highlights**

### **A. Caseload**

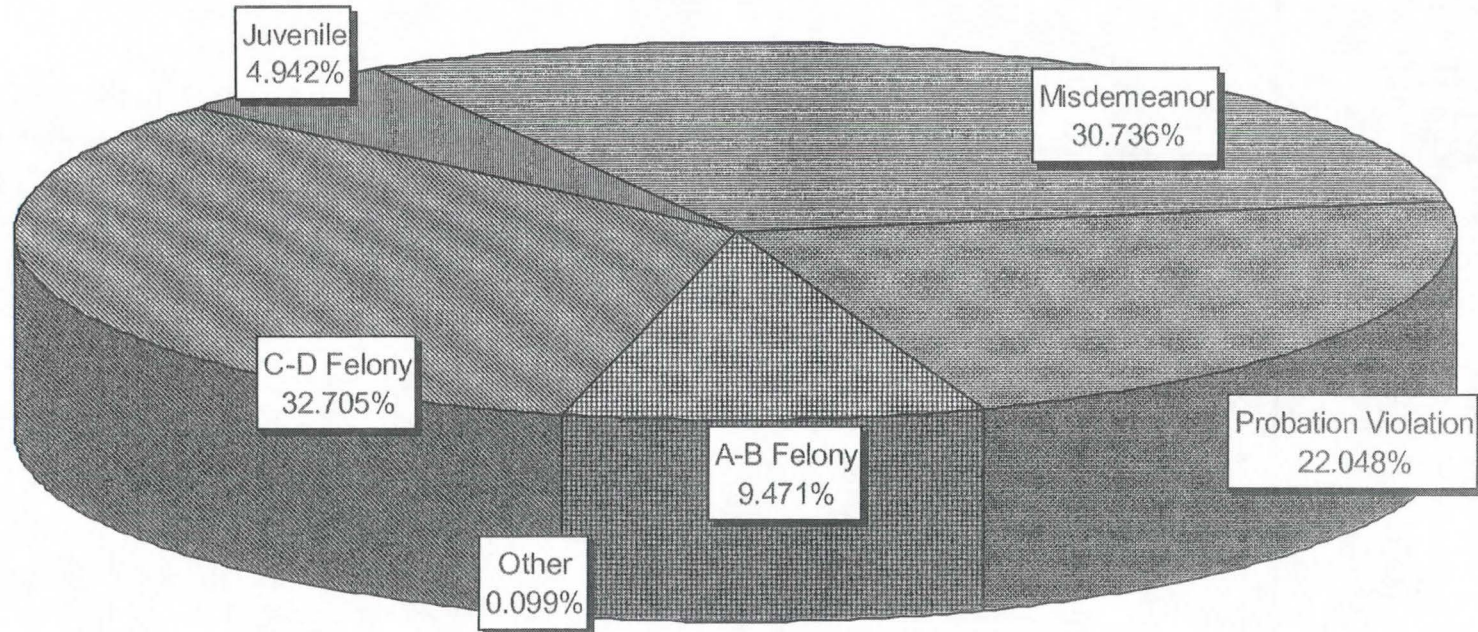
#### **1. New Cases**

The State Public Defender System's Trial Division opened 83,691 new cases in Fiscal Year 2003, an increase of 4.4% from Fiscal Year 2002. By far, the greatest number of cases are reflected in the felony and misdemeanor caseloads. In the last five years the trial division's caseload has increased by 11,991 cases or 16.72 %.

<b>FY2003</b>		
<b>Trial Division</b>		
<b>Opened Cases by Case Type</b>		
	Description	# of Cases Represented
10	Murder – Death Penalty	3
15	Murder – 1 <sup>st</sup> Degree	153
20	Other Homicide	106
30	A-B Felony	7,664
35	C-D Felony	27,371
40	Misdemeanor	20,777
45	Misdemeanor – Traffic	4,946
50	Juvenile – Status	722
52	Juvenile – Criminal	3,414
54	Post Conviction Relief/Rule 24 & Rule 29	3
60	Chapter 552	51
65	Probation Violation	18,452
75	Writ	21
80	Appeal	5
82	Direct Appeal	3
	Total Trial Division Assignments	83,691



## FY2003 - Trial Division Opened Cases by Case Type



Felony Cases Opened	35,297 or 42.18% of the total caseload
Misdemeanor Cases Opened	25,723 or 30.74% of the total caseload
Probation Violation Cases Opened	18,452 or 22.05% of the total caseload
Juvenile Cases Opened	4,136 or 4.94% of the total caseload

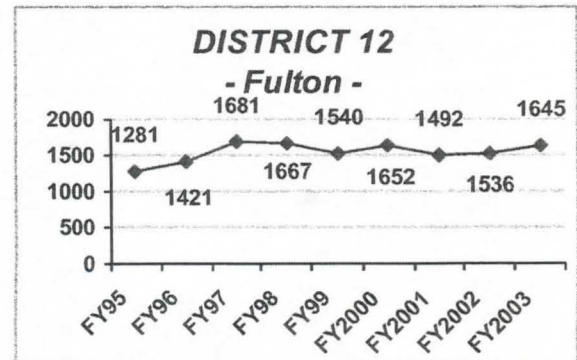
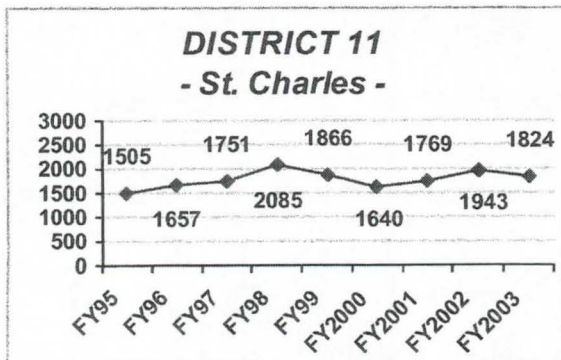
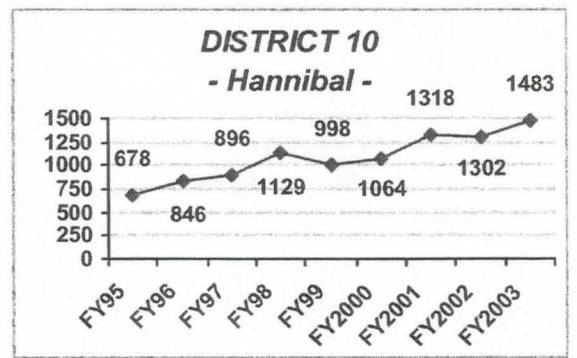
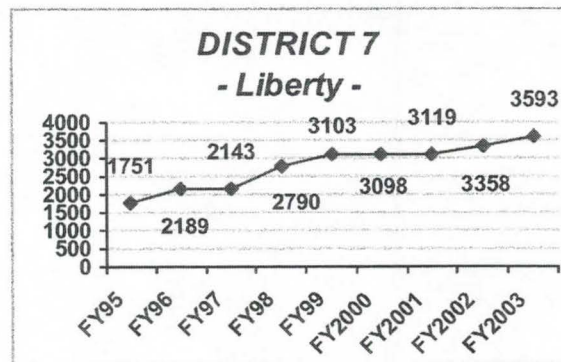
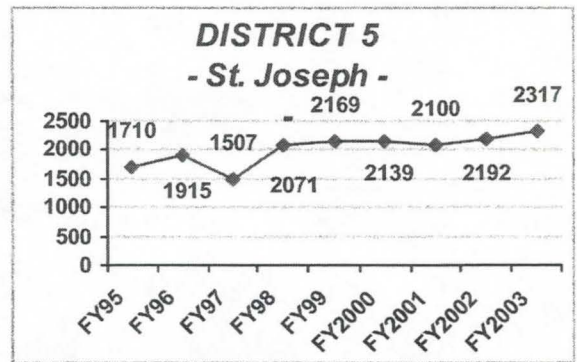
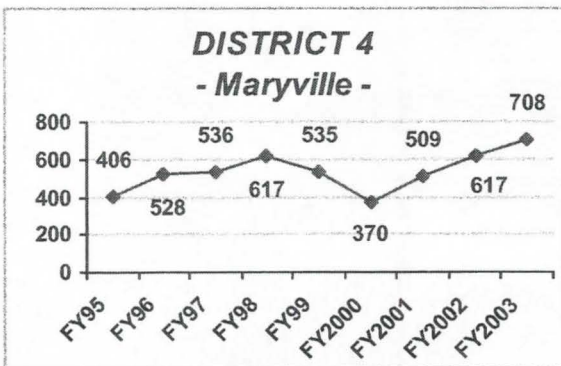
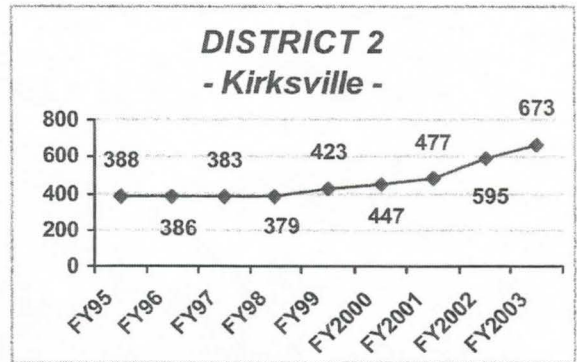
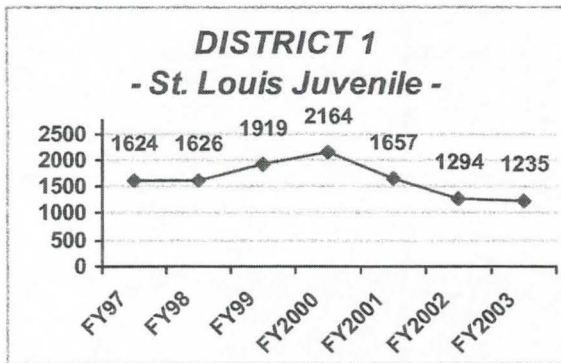


**TRIAL DIVISION CASE ASSIGNMENTS**  
**SIX FISCAL YEAR COMPARISONS - FY98 to FY2003**  
**BY DISTRICT**

District #	District Name	FY98 Cases Assigned	FY99 Cases Assigned	# Change 98 to 99	% Change 98 to 99	FY00 Cases Assigned	# Change 99 to 00	% Change 99 to 00	FY01 Cases Assigned	# Change 00 to 01	% Change 00 to 01	FY02 Cases Assigned	# Change 01 to 02	% Change 01 to 02	FY03 Cases Assigned	# Change 02 to 03	% Change 02 to 03	# Change 98 to 2003	% Change 98 to 2003
1	St. Louis Juvenile	1,626	1,919	293	18%	2,164	245	13%	1,657	-507	-23%	1,294	-363	-22%	1,235	-59	-5%	-391	-24.05%
2	Kirkville	376	423	47	13%	447	24	6%	477	30	7%	595	118	25%	673	78	13%	297	78.99%
4	Maryville	617	535	-82	-13%	370	-165	-31%	509	139	38%	617	108	21%	708	91	15%	91	14.75%
5	St. Joseph	2,071	2,169	98	5%	2,139	-30	-1%	2,100	-39	-2%	2,192	92	4%	2,317	125	6%	246	11.88%
6	Kansas City Juvenile								406	406		996	590		1,306	310		1,306	
7	Liberty	2,790	3,103	313	11%	3,098	-5	0%	3,119	21	1%	3,358	239	8%	3,593	235	7%	803	28.78%
10	Hannibal	1,129	998	-131	-12%	1,064	66	7%	1,318	254	24%	1,302	-16	-1%	1,483	181	14%	354	31.36%
11	St. Charles	2,085	1,866	-219	-11%	1,640	-226	-12%	1,769	129	8%	1,943	174	10%	1,824	-119	-6%	-261	-12.52%
12	Fulton	1,667	1,540	-127	-8%	1,652	112	7%	1,492	-160	-10%	1,536	44	3%	1,645	109	7%	-22	-1.32%
13	Columbia	3,598	3,843	245	7%	3,673	-170	-4%	3,753	80	2%	3,933	180	5%	4,044	111	3%	446	12.40%
14	Moberly	1,122	1,184	62	6%	1,182	-2	0%	1,112	-70	-6%	1,268	156	14%	1,378	110	9%	256	22.82%
15	Sedalia	1,921	1,586	-335	-17%	1,540	-46	-3%	1,275	-265	-17%	1,558	283	22%	1,780	222	14%	-141	-7.34%
16	Kansas City	9,496	8,962	-534	-6%	9,223	261	3%	8,574	-649	-7%	8,115	-459	-5%	9,210	1,095	13%	-286	-3.01%
17	Harrisonville	2,784	2,819	35	1%	2,632	-187	-7%	2,526	-106	-4%	2,281	-245	-10%	2,554	273	12%	-230	-8.26%
19	Jefferson City	1,287	1,339	52	4%	1,244	-95	-7%	1,300	56	5%	1,135	-165	-13%	1,318	183	16%	31	2.41%
20	Union	1,331	1,399	68	5%	1,462	63	5%	1,366	-96	-7%	1,615	249	18%	1,946	331	20%	615	46.21%
21	St. Louis County	4,333	4,138	-195	-5%	3,805	-333	-8%	3,606	-199	-5%	4,121	515	14%	3,553	-568	-14%	-780	-18.00%
22	St. Louis City	7,745	6,711	-1,034	-13%	8,241	1,530	23%	6,954	-1,287	-16%	7,543	589	8%	5,928	-1,615	-21%	-1,817	-23.46%
23	Hillsboro	1,269	1,195	-74	-6%	1,234	39	3%	1,523	289	23%	1,584	61	4%	1,852	268	17%	583	45.94%
24	Farmington	1,575	1,719	144	9%	1,734	15	1%	1,808	74	4%	1,987	179	10%	2,213	226	11%	638	40.51%
25	Rolla	2,147	2,132	-15	-1%	2,358	226	11%	2,679	321	14%	3,001	322	12%	3,274	273	9%	1,127	52.49%
26	Lebanon	1,906	1,632	-274	-14%	1,901	269	16%	2,340	439	23%	2,429	89	4%	2,727	298	12%	821	43.07%
28	Nevada	905	1,007	102	11%	1,003	-4	0%	1,131	128	13%	1,288	157	14%	1,268	-20	-2%	363	40.11%
29	Carthage	3,713	3,461	-252	-7%	3,791	330	10%	3,882	91	2%	4,444	562	14%	4,225	-219	-5%	512	13.79%
30	Buffalo	1,171	1,076	-95	-8%	941	-135	-13%	1,083	142	15%	1,189	106	10%	1,622	433	36%	451	38.51%
31	Springfield	2,536	2,577	41	2%	2,739	162	6%	3,094	355	13%	3,787	693	22%	4,165	378	10%	1,629	64.24%
32	Cape Girardeau	2,459	2,237	-222	-9%	2,409	172	8%	2,703	294	12%	2,522	-181	-7%	2,890	368	15%	431	17.53%
34	Caruthersville	1,106	887	-219	-20%	985	98	11%	1,035	50	5%	1,167	132	13%	1,123	-44	-4%	17	1.54%
35	Kennett	1,265	1,522	257	20%	1,552	30	2%	1,699	147	9%	1,737	38	2%	1,838	101	6%	573	45.30%
36	Poplar Bluff	1,579	1,460	-119	-8%	1,232	-228	-16%	1,527	295	24%	1,573	46	3%	1,708	135	9%	129	8.17%
37	West Plains	656	642	-14	-2%	761	119	19%	768	7	1%	999	231	30%	1,025	26	3%	369	56.25%
39	Monett	1,905	1,880	-25	-1%	1,916	36	2%	2,151	235	12%	2,437	286	13%	2,438	1	0%	533	27.98%
43	Chillicothe	1,945	1,702	-243	-12%	1,707	5	0%	2,090	383	22%	2,356	266	13%	2,444	88	4%	499	25.66%
44	Ava	616	525	-91	-15%	437	-88	-17%	568	131	30%	611	43	8%	740	129	21%	124	20.13%
45	Troy	777	816	39	5%	849	33	4%	881	32	4%	932	51	6%	999	67	7%	222	28.57%
47	Springfield Conflicts	441	0	-441	-100%													-441	-100.00%
49	St. Louis Conflicts	761	696	-65	-9%	656	-40	-6%	638	-18	-3%	718	80	13%	645	-73	-10%	-116	-15.24%
<b>Total Trial Division Assignments</b>		<b>74,710</b>	<b>71,700</b>	<b>-3,010</b>	<b>-4%</b>	<b>73,781</b>	<b>2,081</b>	<b>3%</b>	<b>74,913</b>	<b>1,132</b>	<b>2%</b>	<b>80,163</b>	<b>5,250</b>	<b>7%</b>	<b>83,691</b>	<b>3,528</b>	<b>4%</b>	<b>8,981</b>	<b>12.02%</b>
		<b>FY1999</b>				<b>FY2000</b>				<b>FY2001</b>				<b>FY2002</b>				<b>FY2003</b>	



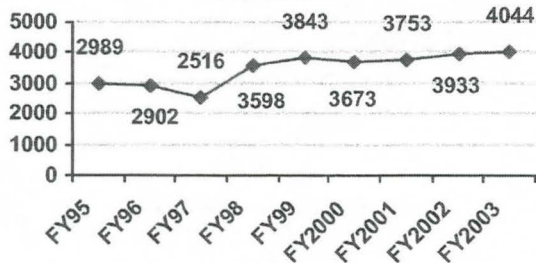
## Assigned Caseload – By District FY1995 to FY2003



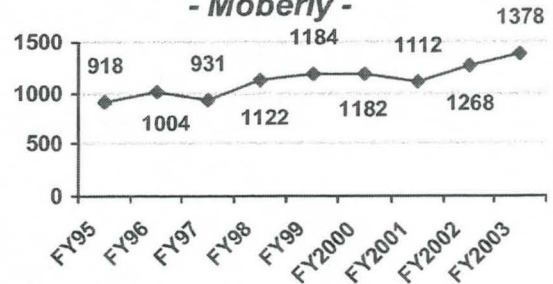


## Assigned Caseload –By District FY1995 to FY2003

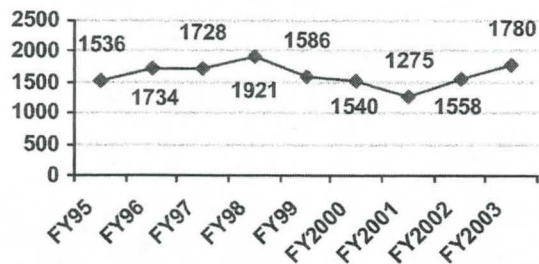
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- Columbia -



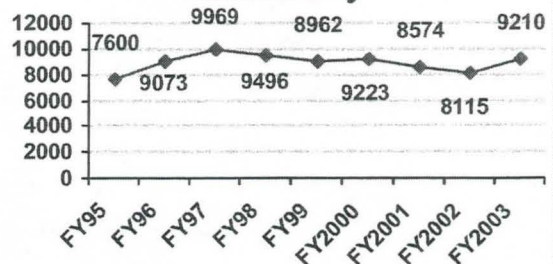
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- Moberly -



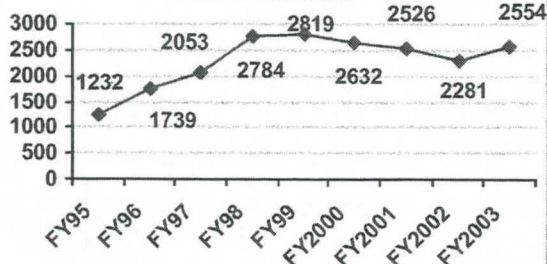
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- Sedalia -



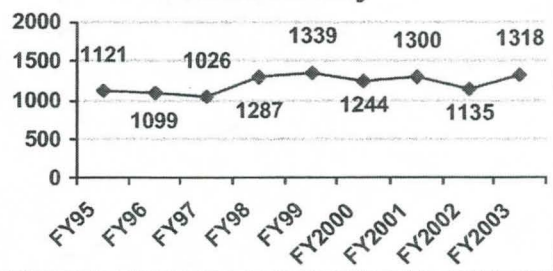
**DISTRICT 16**  
- Kansas City -



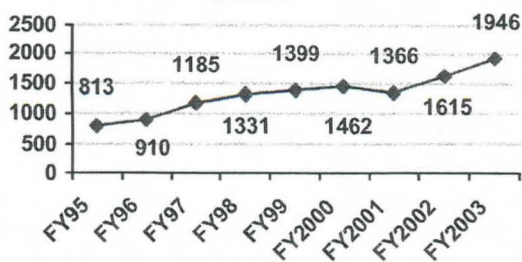
**DISTRICT 17**  
- Harrisonville -



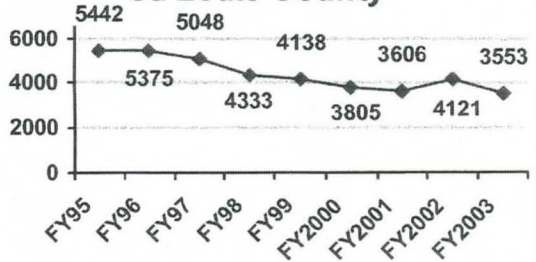
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- Jefferson City -



**DISTRICT 20**  
- Union -

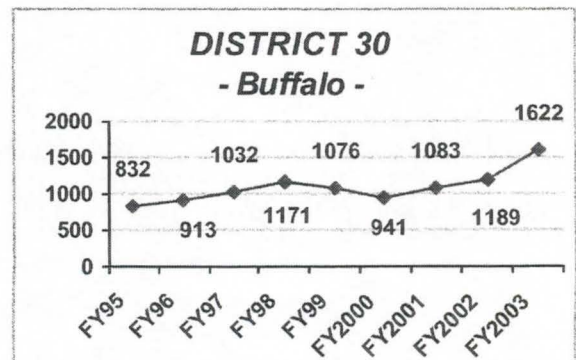
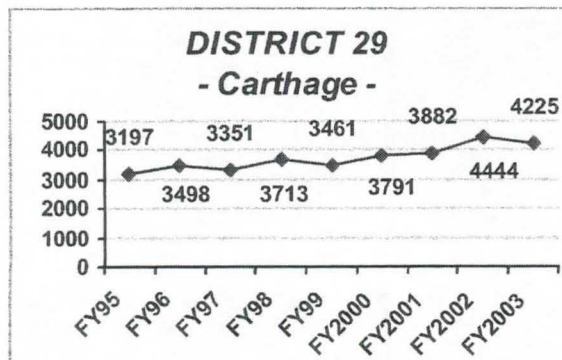
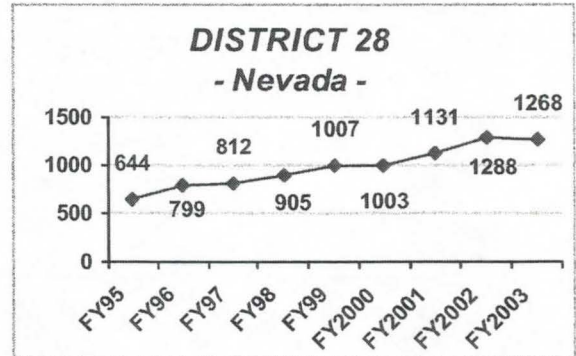
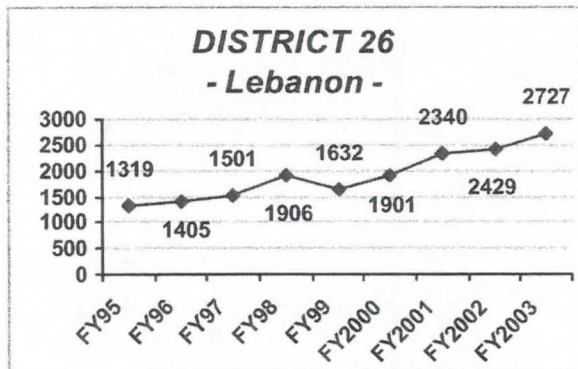
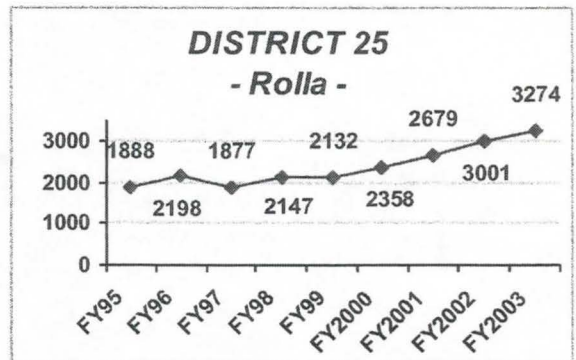
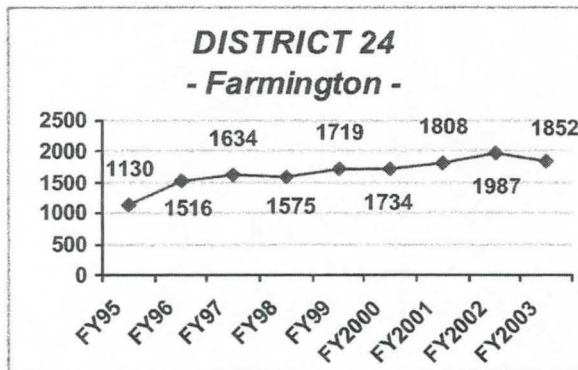
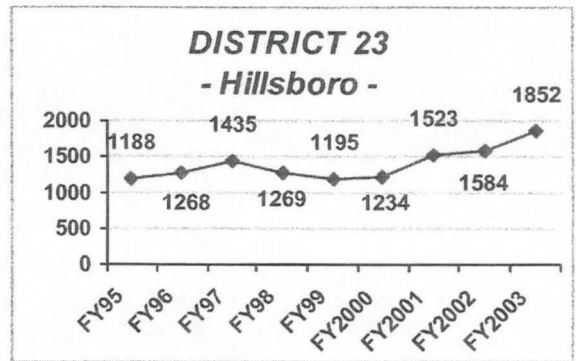
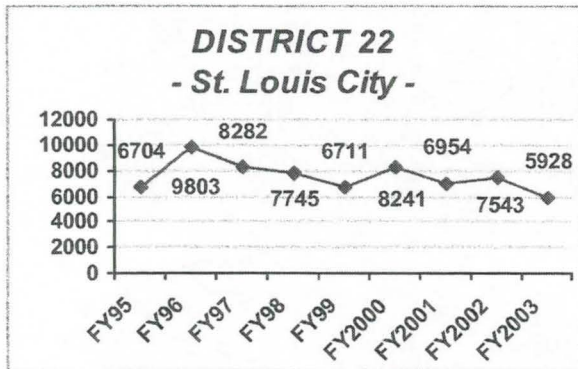


**DISTRICT 21**  
- St. Louis County -



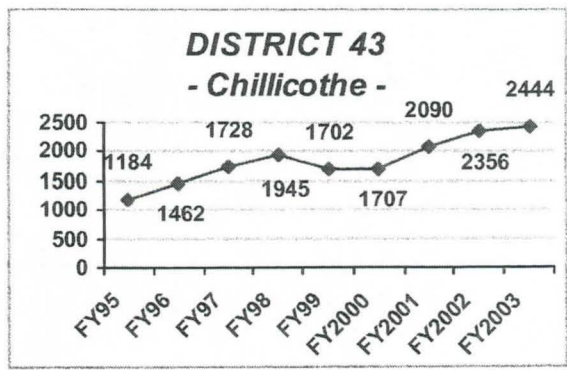
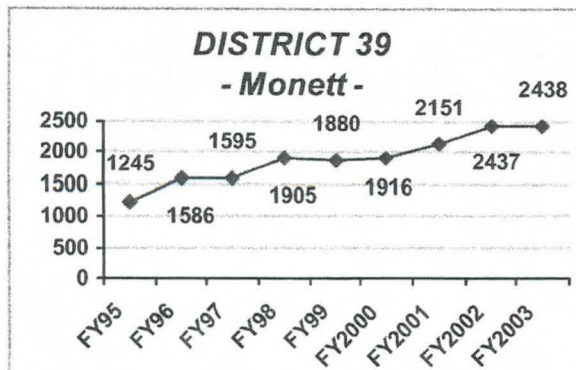
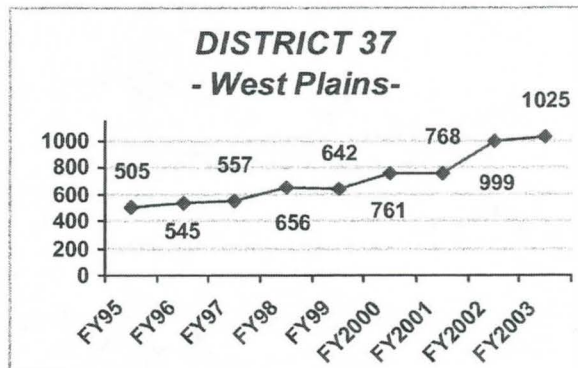
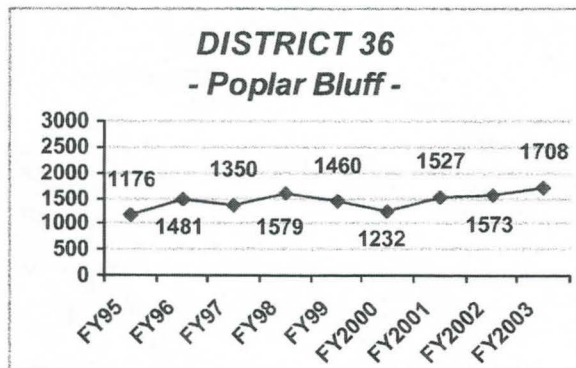
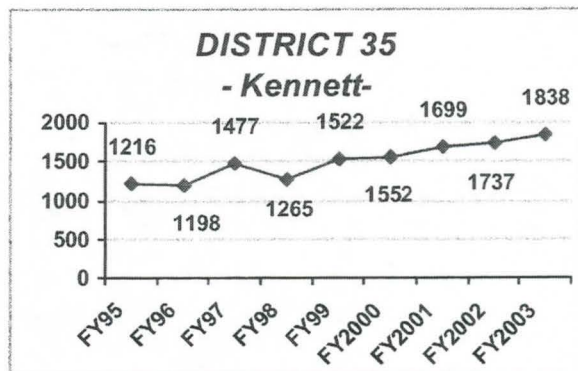
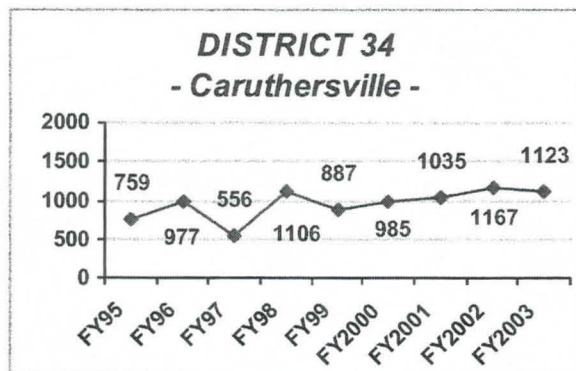
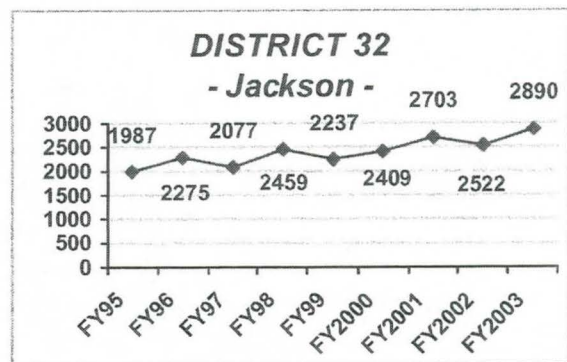
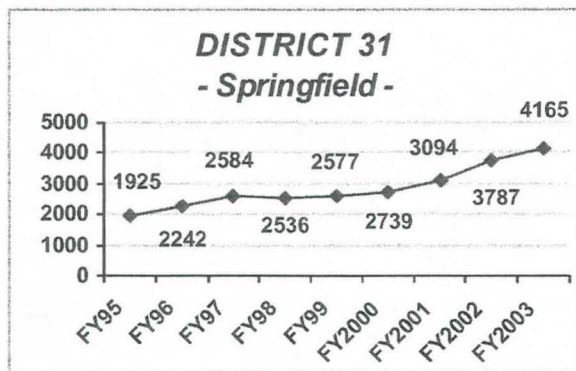


## Assigned Caseload –By District FY1995 to FY2003



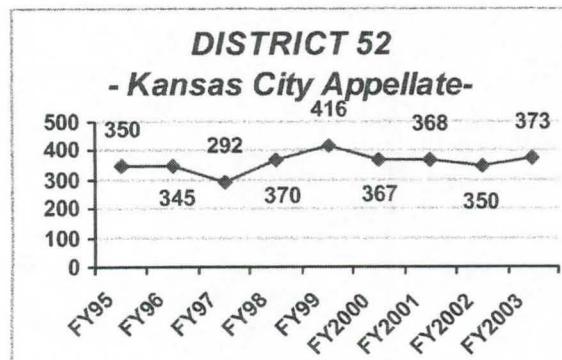
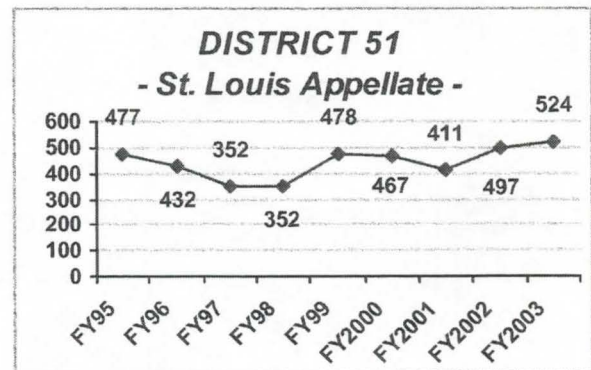
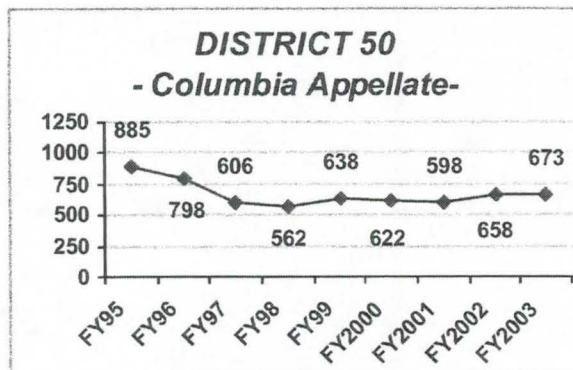
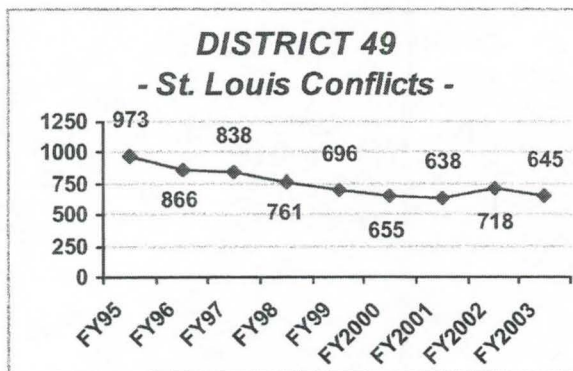
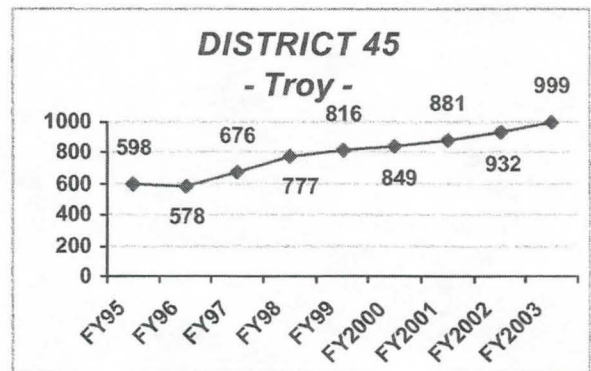
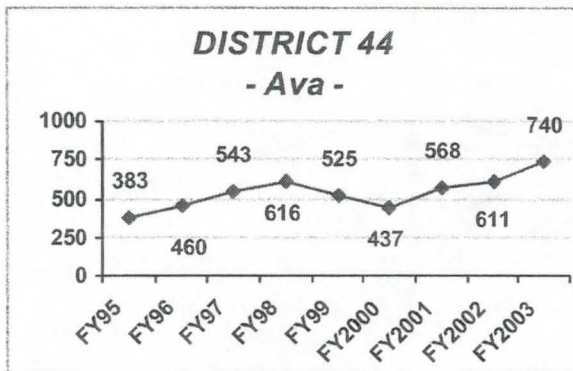


## Assigned Caseload –By District FY1995 to FY2003



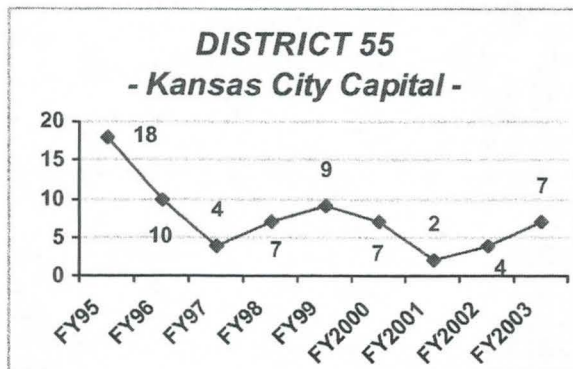
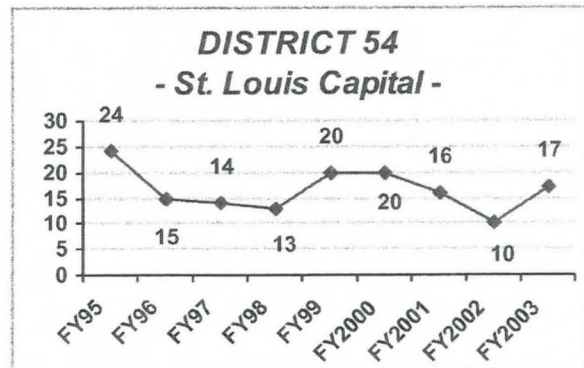
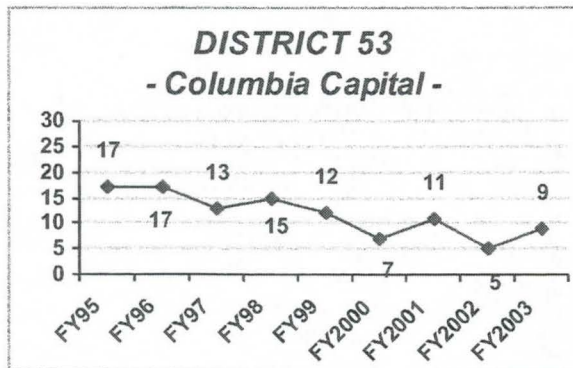


## Assigned Caseload –By District FY1995 to FY2003





## Assigned Caseload –By District FY1995 to FY2003





## FY2003 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY03 Cases	Charge Code	Description	FY03 Cases
001.000	Probation Violation	11,123	217.385	Committing violence	45
001.100	Juvenile	526	221.111	Delivering/possessing prohibited articles in jail	95
001.110	Juvenile Injurious Behavior	247	221.353	Damage to jail property FD	55
001.115	Juvenile Review Hearing	109	252.040	Pursuing/taking wildlife	35
001.120	Juvenile PV Only	142	252.045	Operation of MV on conservation property	4
001.125	Juvenile Status	66	260.212	Criminal disposition of solid waste	3
001.130	Juvenile Misdemeanor	53	287.128	Workers compensation fraud/MA	12
001.135	Juvenile Felony C-D (Cert.)	3	288.380	Illegal unemployment compensation	0
001.140	Juvenile Felony A-B (Cert.)	8	301.020	Failure to register	206
001.145	Juvenile Felony C-D	71	301.120	Failure to return plates	8
001.150	Juvenile Felony A-B	12	301.130	Failure to display valid plates	134
001.155	Juvenile Murder 1st/2nd (Cert.)	0	301.140	Displaying plates of another	84
001.160	Juvenile Homicide (Cert.)	0	301.190	Certificate of ownership	3
001.165	Juvenile Homicide	0	301.277	Failure to register non-resident vehicle	16
043.170	Failure to stop for Hwy Patrol	2	301.320	Displaying another states plates	5
115.631	Election Offense Class I	2	301.390	Sale of vehicle with altered VIN	2
142.830	Operating as Interstate Motor Fuel user	0	301.400	Removing/defacing manufacturer numbers FC	2
143.931	Failure to file MO tax return	8	301.707	Failure to register an all-terrain vehicle	0
144.480	Failure to pay state sales tax	7	302.020	Operating MV without a valid license	500
167.031	Compulsory school attendance MC	69	302.025	Financial responsibility while operating vehicle	0
167.061	Educational neglect	10	302.178	Failure to comply with immediate license	3
190.308	Misuse of 911 phone service	4	302.200	Operating MV w/out new license after revoked	19
191.677	Risk of infecting another w/HIV FD	4	302.210	Purchase of vehicle without receiving full title	3
191.490	Violation of a law or regulation	7	302.220	Possession of altered driver's license	7
194.410	Disturbing human burial site	0	302.230	Making false stmt to obtain driver's license M	1
194.425	Abandonment of a corpse	7	302.260	Unlicensed person operating motor vehicle	1
195.130	Maintaining a public nuisance	14	302.321	Driving while suspended or revoked	5,161
195.202	Drug Possession	7,513	302.780	Driving commercial vehicle under influence	2
195.203	Possession Under 35 Grams	505	303.024	Failure to provide evidence of insurance	220
195.204	Fraudulent attempt to obtain cont. sub.	135	303.025	Operating MV w/out financial responsibility	303
195.211	Distribution/delivery/manufacture FA/B/C	3,568	303.041	Failure to maintain financial responsibility	130
195.212	Unlawful distribution to minor	11	303.370	Driving while revoked or suspended for 303.025	127
195.213	Unlawful purchase or transport with a minor	1	304.000	Traffic	80
195.214	Dist. drugs within 1000 ft of a school FA	127	304.010	Speeding	374
195.218	Dist. drugs within 1000 ft of public housing	38	304.012	Careless and imprudent driving	320
195.222	Drug trafficking FD	120	304.013	Operating ATV's illegally	4
195.223	Drug trafficking SD	722	304.015	Failure to drive on right side of the road	282
195.226	Furnishing materials for producing cont. sub.	0	304.016	Violation of passing regulation	18
195.233	Use of drug paraphernalia MA	981	304.017	Following too closely	12
195.235	Delivery or manufacture of drug paraphernalia	34	304.019	Failure to signal	48
195.241	Possession of an imitation drug	6	304.022	Failure to yield to emergency vehicle	62
195.242	Delivery or manufacture of an imitation drug	82	304.271	Failure to stop at stop sign	26
195.246	Possession of ephedrine	235	304.281	Failure to stop at signal or crosswalk	24
195.254	Delivery by manufacturer or distributor	10	304.341	Turns at intersection violation penalty	5
195.291	Persistent drug offender	0	304.351	Failure to yield right-of-way	59
195.410	Possession of chemicals for meth.	35	304.665	Juvenile in bed of truck	0
195.420	Creation of a controlled substance	228	306.111	Neg. operation vessel/intoxicated/manslaughter	2
195.425	Abandonment of a corpse	3	306.124	Fastening or damaging navigation aid w/vessel	0
210.104	Failure to provide child safety restraint	18	307.040	Failure to display stop & turn signals on trailer	4
211.031	Exclusive jurisdiction of juvenile court	31	307.045	Faulty headlights	10
217.360	Possession of cont. substance-corr. facility	93	307.070	Failure to dim lights w/in 500 ft oncoming vehicle	8
217.365	Possession of contraband in penal Institution	6	307.075	Failure to equip trailer with tail lights	11



## FY2003 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY03 Cases	Charge Code	Description	FY03 Cases
307.105	Limitation of total lamps lighted at one time	2	565.092	Aggravated harassment	0
307.170	Operating vehicle with excessive noise	7	565.100	Tampering with evidence	2
307.173	Vision reducing material applied to windows	3	565.110	Kidnapping FA/B	74
307.178	Seat belt violation	51	565.120	Felonious restraint FC	50
307.350	Motor vehicles, biennial inspection required	6	565.130	False imprisonment MA/FD	14
307.400	Operating commercial vehicle without service	3	565.150	Interfering with Custody	24
311.310	Supplying liquor to a minor	79	565.153	Parental Kidnapping	19
311.325	Possession of liquor by a minor	229	565.156	Child abduction	13
311.328	Altering operator's license or ID card	4	565.165	Assisting in child abduction or kidnapping	2
311.329	Possessing altered operator's license or ID card	6	565.180	Elder abuse FD	2
311.550	Sale of liquor without a license	0	565.182	Elder abuse SD	1
311.880	Sale of alcohol to minor	5	565.184	Elder abuse TD	4
312.407	Possess of non-intoxicating liquor by minor	5	565.188	False report of elder abuse	0
313.817	Presenting false ID to enter gaming est.	6	565.225	Aggravated stalking	58
313.830	Cheating a gambling game	3	565.253	Invasion of privacy	1
324.520	Performing body peircing on a minor	1	566.030	Rape FA/B	162
367.045	Failure to repay pawnbroker MB	0	566.032	Statutory rape FD	185
407.020	Unlawful merchandising practices	6	566.034	Statutory rape SD	122
407.536	Odometer fraud FD	0	566.040	Sexual assault 1st FA/B	33
407.933	Possession of cigarettes by a minor	6	566.050	Sexual assault 2nd FC/D	5
409.410	Sale - unregistered securities	4	566.060	Sodomy FA/B	86
454.440	Failing to complete an information statement	3	566.062	Statutory sodomy 1st Dgr	338
455.085	Violation of a protective order	696	566.064	Statutory sodomy 2nd Dgr	59
455.538	Violation of an order of child protection	15	566.067	Child molestation 1st Dgr	177
468.350	As owner operator/auth another to op	0	566.068	Child molestation 2nd Dgr	44
476.110	Criminal contempt of court	6	566.070	Deviate sexual assault 1st FB/C	23
542.400	Illegal wire tapping	0	566.080	Deviate sexual assault 2nd FC/D	2
544.665	Failure to appear	113	566.083	Sexual misconduct involving a child	16
548.131	Fugitive from justice	307	566.090	Sexual misconduct MA	87
557.035	Hate crime C/D Fel	1	566.093	Sexual misconduct 2nd Dgr	53
557.036	Persistent offender	95	566.095	Sexual misconduct 3rd Dgr	13
558.016	Persistent misdemeanor offender	0	566.100	Sexual abuse 1st FC/D	22
562.036	Possessing controlled substance w/intent to dis	0	566.110	Sexual abuse 2nd MA/FD	2
564.011	Attempt to commit an offense	266	566.120	Sexual abuse 3rd MA	2
564.016	Conspiracy FB	78	566.130	Indecent exposure MA	2
565.020	Murder 1st FA	167	566.625	Failure to register as a sex offender	8
565.021	Murder 2nd FA	108	567.020	Prostitution MB	20
565.023	Voluntary manslaughter FB	0	567.030	Patronizing prostitution MB	4
565.024	Involuntary manslaughter FC	43	567.050	Promoting prostitution 1st FB	0
565.050	Assault 1st FA/B	602	567.060	Promoting prostitution 2nd FC	2
565.060	Assault 2nd FC	983	567.070	Promoting prostitution 3rd FD	2
565.065	Unlawful endangerment of another FC	0	568.010	Bigamy MA	1
565.070	Assault 3rd MA/C	2,295	568.020	Incest FD	9
565.072	Domestic Assault 1st FC	134	568.030	Abandonment of a child 1st FB	2
565.073	Domestic Assault 2nd FC	817	568.032	Abandonment of a child 2nd FD	2
565.074	Domestic Assault 3rd FC	1,569	568.040	Criminal nonsupport MA/FD	3,801
565.075	Assault on school property - FD	46	568.045	Endangering welfare of a child 1st Dgr	373
565.081	Assault law enforcement officer FA	81	568.050	Endangering welfare of a child MA	218
565.082	Assault law enforcement officer	135	568.060	Abuse of a child FB/C	167
565.083	Assault law enforcement officer 3rd MA	292	568.070	Unlawful transactions with a child MB	1
565.084	Tampering with a judicial officer	17	568.080	Using a child in a sexual performance FB/C	2
565.090	Harassment MA	173	568.090	Promoting sexual performance by a child FC	1



## FY2003 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY03 Cases	Charge Code	Description	FY03 Cases
568.110	Processor failure to report MB	0	570.230	Selling unauthorized recordings	1
568.175	Trafficking in children FC	0	570.300	Theft of cable television service FA/MC	10
569.020	Robbery 1st FA	817	571.015	Armed criminal action	33
569.025	Pharmacy robbery 1st FA	4	571.020	Possess/transport/sale of certain weapons FC/MA	68
569.030	Robbery 2nd FB	492	571.030	Unlawful use of weapons FD/MB	1,393
569.035	Pharmacy robbery 2nd FB	1	571.045	Defacing firearm MA	1
569.040	Arson 1st FB	47	571.050	Possession of a defaced firearm MB	5
569.050	Arson 2nd FC	90	571.060	Unlawful transfer of weapons FD/MA	6
569.055	Knowingly burning or exploding FD	37	571.070	Possession of a concealable firearm FC	16
569.060	Reckless burning or exploding MA	2	571.080	Transfer of concealable firearms w/out permit MA	5
569.065	Negligent burning or exploding MB	6	571.090	Permit to acquire concealable weapons MA	0
569.070	Catastrophe FA	5	571.150	Use or possession of metal-penetrating bullet FD	1
569.080	Tampering 1st FC	2,380	572.020	Gambling MB	6
569.085	Unlawful endangerment of property FC	0	572.030	Promoting gambling FD	0
569.090	Tampering 2nd MA/FD	341	572.040	Promoting gambling 2nd MA	0
569.095	Tampering with intellectual property MA/FD	1	572.050	Possession of gambling records 1st FD	0
569.097	Tampering with computer equipment FC/D	0	572.060	Possession of gambling records 2nd MA	0
569.099	Tampering with computer users MA/FD	0	572.070	Possession of a gambling device MA	0
569.100	Property damage 1st FD	363	572.080	Lottery offenses	0
569.120	Property damage 2nd MB	538	573.020	Promoting obscenity 1st FD	0
569.140	Trespass 1st MB	665	573.023	Sexual Exploitation of a Minor	17
569.150	Trespass SD	48	573.025	Promoting child pornography 1st FB	4
569.155	Trespass of a school bus	2	573.030	Promoting obscenity 2nd MA	1
569.160	Burglary 1st FB	897	573.035	Promoting child pornography 2nd FD	1
569.170	Burglary 2nd FC	2,968	573.037	Possession of child pornography	1
569.180	Possession of burglar's tools FD	14	573.040	Furnishing pornographic material to a minor MA	7
570.030	Stealing FC/MA	5,127	573.060	Public display of explicit sexual material MA	0
570.033	Stealing animals	15	573.065	Coercing acceptance of obscene materials	0
570.040	Stealing 3rd Offense FC	167	574.010	Peace disturbance	156
570.080	Receiving stolen property MA/FC	866	574.020	Private peace disturbance MC	4
570.085	Alteration or removal of item numbers FD/MB	1	574.040	Unlawful assembly MB	0
570.090	Forgery FC	2,503	574.050	Rioting MA	1
570.100	Possession of a forgery instrumentality FC	4	574.060	Refusal to disperse MC	1
570.103	Counterfeiting 1000 or more	1	574.070	Promoting civil disorder 1st FC	1
570.110	Issuing a false instrument or certificate MA	1	574.075	Drunkenness or drinking in prohibited places MA	5
570.120	Passing bad check MA/FD	5,395	574.085	Burial discretion - Institutional Vandalism	5
570.125	Fraudulent stop payment on an instrument MA/FD	31	574.090	Ethnic intimidation FD	1
570.130	Fraudulent use of a credit device MA/FD	308	574.093	Ethnic intimidation SD	0
570.135	Fraudulent procurement of a credit/debit device	7	574.115	Making a terrorist threat	8
570.140	Deceptive business practices	0	575.020	Concealing an offense MA	0
570.145	Financial exploitation of elderly or disabled	7	575.030	Hindering prosecution	86
570.150	Commercial bribery MA	0	575.040	Perjury FA/B/C/D	3
570.155	Sports bribery FEL/MIS	0	575.050	False affidavit MA/C	4
570.160	False advertising MA	0	575.060	False declarations MB	13
570.170	Bait advertising MA	0	575.080	False reports MB	84
570.180	Defrauding secured creditors MA/FD	20	575.090	False bomb report D-fel	8
570.190	Telephone service fraud MA	2	575.100	Tampering with physical evidence	27
570.210	Library theft FC/MC	6	575.110	Tampering with public records	1
570.217	Misapplication - funds of financial institution FC/MA	2	575.120	False impersonation	10
570.219	False entries - records of a financial institution FC	0	575.130	Simulating legal process	0
570.220	Check kiting FC	7	575.150	Resisting, Interference, w/Arrest, FD/MA	711
570.223	Identity Theft	12	575.160	Interference, w/Legal Process MB	2



## FY2003 TRIAL DIVISION ASSIGNED CASES BY CHARGE CODE

Charge Code	Description	FY03 Cases	Charge Code	Description	FY03 Cases
575.195	Escape from commitment FD	7	577.110	Operating MV while under 16 years of age	1
575.200	Escape/attempt escape from custody MA FA/D	33	577.150	Corrupting or diverting water supply	0
575.210	Escape/attempt escape from confinement FA/C	47	577.155	Prohibition of waste disposal wells	0
575.220	Failure to return to confinement MA/FC	25	577.161	Can't prohibit disabled life jackets in pool	0
575.230	Aiding escape of a prisoner FB/D MA	5	577.600	Failure to use ordered ignition interlock device	6
575.240	Permitting escape	0	578.009	Animal neglect MA	17
575.250	Disturbing judicial proceeding	0	578.012	Animal abuse	59
575.260	Tampering with judicial process	4	578.025	Dog fighting MA/FD	3
575.270	Tampering with a witness FC/MA	65	578.027	Dog baiting MA	0
575.280	Official acceding to corruption	0	578.050	Bull baiting and cockfighting MA	0
575.290	Improper communication	0	578.150	Failure to return rented personal property MA/F	271
575.300	Juror misconduct	0	578.154	Possession of Anhydrous Ammonia	74
575.310	Misconduct in selecting or summoning juror	0	578.250	Inhaling/ inducing others to inhale fumes MB	18
575.320	Misconduct in administration of justice	0	578.255	Induce or possess w/intent to induce intoxication	0
575.350	Killing or Disabling a Police Animal	0	578.260	Possess/purchase solvents to aid others MB	0
576.010	Bribery of a public servant FD	4	578.305	Assault w/ intent to hijack bus	1
576.020	Public servant acceding to corruption FD	0	578.365	Hazing	0
576.030	Obstructing government operations MB	6	578.377	Unlawful receipt of food stamps MA/FD	3
576.040	Official misconduct MA	0	578.379	Unlawful conversion of food stamps MA/FD	0
576.050	Misuse of official information MA	0	578.381	Unlawful transfer of food stamps MA/FD	0
576.060	Failure to give a tax list	1	378.385	Commit perjury while receiving public assistance	3
576.070	Treason FA	0	578.395	Ticket scalping	0
577.005	Vehicular manslaughter	0	578.423	Knowingly participating in street gang activity MA	0
577.010	Driving while intoxicated MA/B FD	4,131	578.425	Promoting or assisting gang conduct MA	0
577.012	Driving w/excessive blood alcohol content MA/C	46	578.433	Maintaining public nuisance	0
577.017	Consuming alcoholic beverages in moving MV	8	578.445	Possession tools to break into vending machine	0
577.023	Driving while intoxicated Second MA, Third FD	52	589.400	Registration of certain offenders with chief law	7
577.051	Failure to furnish M.U.L.E. records MC	0	589.414	Failure to register as a sex offender	11
577.060	Leaving scene of motor vehicle accident MA/FD	480	589.425	Failure to register penalty, subsequent	44
577.070	Littering MA	36	602.300	Unlawfully possessing a tobacco product	0
577.073	Littering in state parks	0	632.480	Sexually violent predator	0
577.076	Littering with carcasses	0	701.057	Construction of on-site sewage disposal system	0
577.080	Abandoning motor vehicle MA	0	999.999	Witness Only	8
577.100	Abandonment of airtight containers	0			
				Trial Division Opened Cases	83,692



**FY2003  
CONFLICT ASSIGNMENTS  
by Case Type**

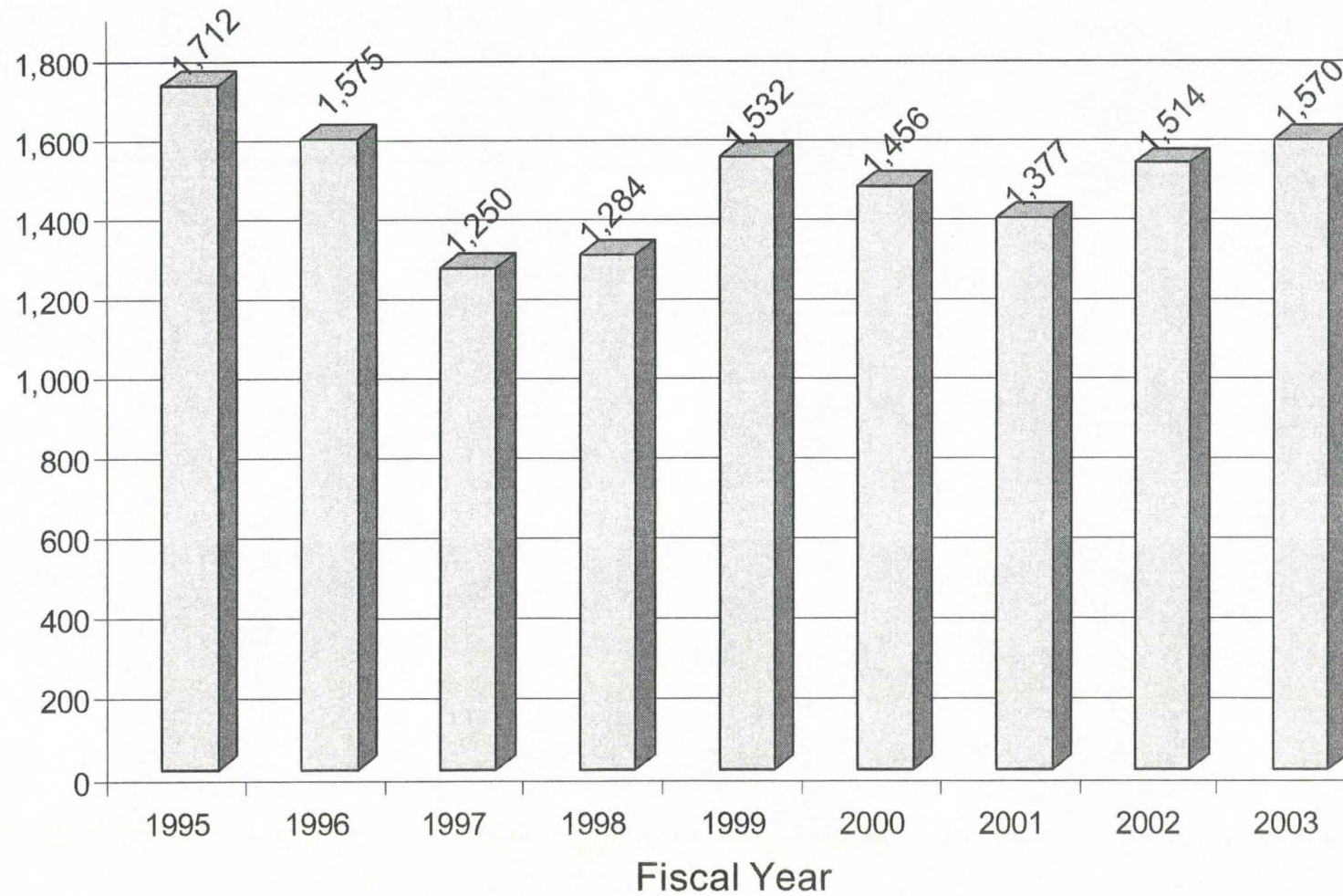
Code	Description	# of Cases Assigned
10	Murder – Death Penalty	4
15	Murder – 1 <sup>st</sup> Degree	7
20	Other Homicide	8
30	A-B Felony	193
35	C-D Felony	220
40	Misdemeanor	62
52	Juvenile	11
54	Post Conviction Relief – Rule 24	8
59	Post Conviction Relief – Rule 29	20
60	Chapter 552	0
65	Probation Violation	27
80	Appeal	2
82	Direct Appeal	2
	Total Conflict Assignments	564

**FY2003**  
**APPELLATE DIVISION CASELOAD**  
**Cases Opened and Closed**

	<b>Central Columbia</b>		<b>Eastern St. Louis</b>		<b>Western Kansas City</b>		<b>Totals</b>
	Area 50	Area 67	Area 51	Area 68	Area 52	Area 69	
<b>Death PCR</b>							
<b>Opened</b>	5	0	1	0	1	0	7
<b>Closed</b>	6	2	2	3	1	0	14
<b>Felony Appeals</b>							
<b>Opened</b>	221	0	59	65	47	36	428
<b>Closed</b>	201	0	44	45	52	30	372
<b>PCR Appeals</b>							
<b>Opened</b>	59	47	63	62	34	60	325
<b>Closed</b>	80	53	76	50	49	34	342
<b>PCR Trials</b>							
<b>Opened</b>	0	304	141	130	100	93	768
<b>Closed</b>	0	262	160	114	102	45	683
<b>Other (DNA, 29.07, 29.13, Rule 87, State's Appeals, 29.27, Writs, SVP, etc.)</b>							
<b>Opened</b>	25	12	2	1	2	0	42
<b>Closed</b>	7	5	1	6	1	0	20
<b>Appellate Division Totals</b>							
<b>Opened</b>	310	363	266	258	184	189	1,570
<b>Closed</b>	294	322	188	218	205	109	1,431
<b>Totals</b>							
<b>Opened</b>	673		524		373		1,570
<b>Closed</b>	616		501		314		1,431
	<b>Central Columbia</b>		<b>Eastern St. Louis</b>		<b>Western Kansas City</b>		



## Number of Appellate Cases Assigned



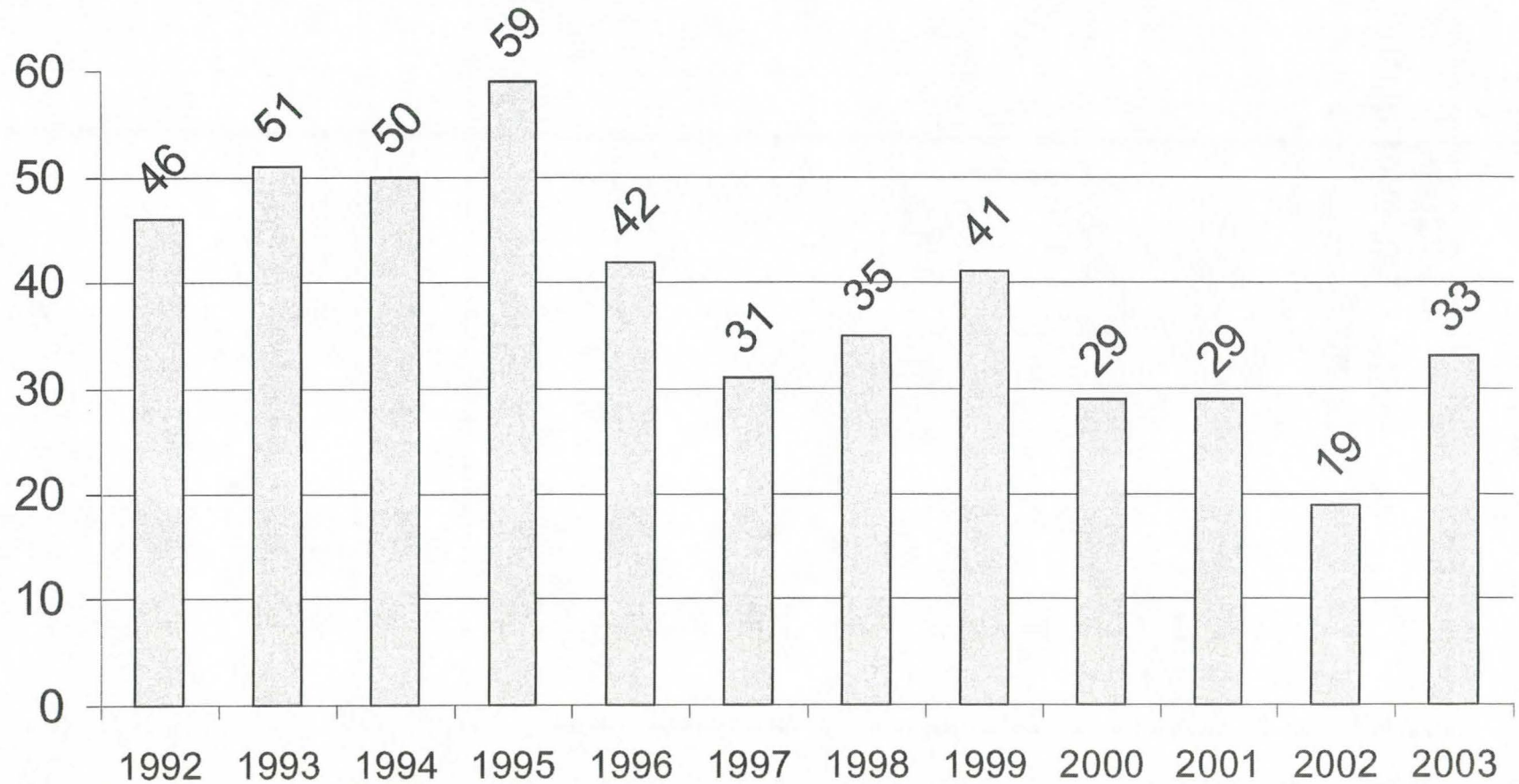
**FY2003  
CAPITAL DIVISION  
Death Penalty Caseload**

	Opened	Closed	Current
Central Office—Columbia			
Trials	7	7	9
Appeals	2	4	2
Totals			
Eastern Office—St. Louis City			
Trials	16	8	19
Appeals	1	2	3
Totals			
Western Office—Kansas City			
Trials	4	5	5
Appeals	3	1	4
Totals			
Total Death Penalty Cases			
Trials	27	20	33
Appeals	6	7	9
Totals	33	27	42

The Direct Appeals of Death Penalty Cases was transferred to the Capital Division in October of 1997. In addition to the Direct Appeals, the staff assigned to direct appeals of death penalty cases assist the Capital Division Trial staff in trial preparation.



## Death Penalty Cases Assigned



Fiscal Years

### Cases Closed

The State Public Defender System's Trial Division closed 79,001 cases in Fiscal Year 2003. This number is only 94.4% of the of cases opened.

<b>FY 2003 Trial Division Closed Cases by Case Type</b>		
	<b>Description</b>	<b># of Cases Represented</b>
10	Murder – Death Penalty	3
15	Murder – 1 <sup>st</sup> Degree	159
20	Other Homicide	133
30	A-B Felony	7,041
35	C-D Felony	25,584
40	Misdemeanor	19,801
45	Misdemeanor – Traffic	4,755
50	Juvenile – Status	646
52	Juvenile – Criminal	3,262
54	Post Conviction Relief/Rule 24 & Rule 29	3
60	Chapter 552	44
61	Sexual Predator Hearings & Trials	1
65	Probation Violation	17,546
75	Writ	16
80	Appeal	6
82	Direct Appeal	1
	<b>Total Trial Division Closed Cases</b>	<b>79,001</b>

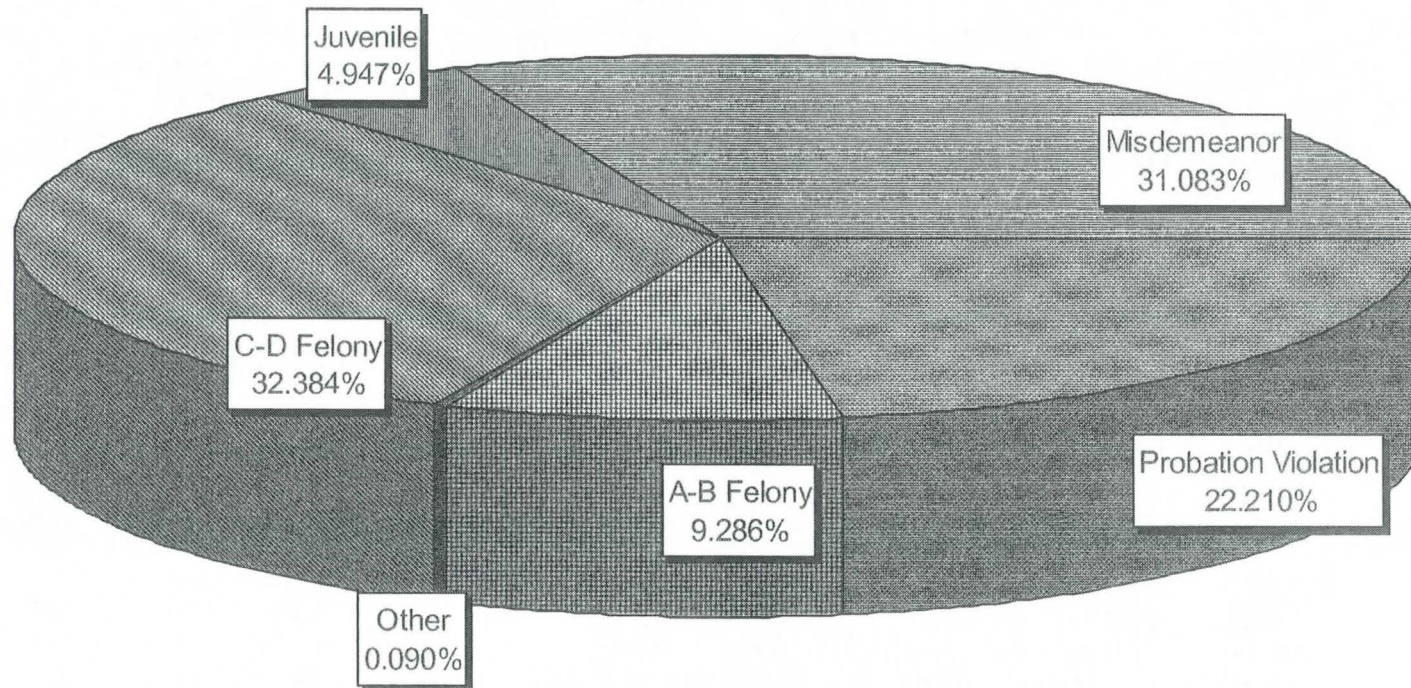


**TRIAL DIVISION CASE DISPOSITIONS**  
**SIX FISCAL YEAR COMPARISONS - FY98 to FY2003**  
**BY DISTRICT**

District #	District Name	FY98 Cases Disposed	FY99 Cases Disposed	# Change 98 to 99	% Change 98 to 99	FY00 Cases Disposed	# Change 99 to 00	% Change 99 to 00	FY01 Cases Disposed	# Change 00 to 01	% Change 00 to 01	FY02 Cases Disposed	# Change 01 to 02	% Change 01 to 02	FY03 Cases Disposed	# Change 02 to 03	% Change 02 to 03	# Change 98 to 2003	% Change 98 to 2003		
1	St. Louis Juvenile	1,445	1,412	-33	-2%	1,619	207	15%	1,587	-32	-2%	1,358	-229	-17%	1,101	-257	-23%	-344	-24%		
2	Kirksville	351	429	78	22%	429	0	0%	478	49	11%	523	45	9%	650	127	20%	299	85%		
4	Maryville	586	583	-3	-1%	370	-213	-37%	414	44	12%	633	219	35%	654	21	3%	68	12%		
5	St. Joseph	1,903	2,076	173	9%	2,102	26	1%	2,237	135	6%	2,149	-88	-4%	2,314	165	7%	411	22%		
6	Kansas City Juvenile								326	326	*	935	609	65%	1,197	262	22%	1,197			
7	Liberty	2,634	3,023	389	15%	3,026	3	0%	3,243	217	7%	3,134	-109	-3%	3,464	330	10%	830	32%		
10	Hannibal	1,156	1,019	-137	-12%	1,032	13	1%	1,276	244	24%	1,285	9	1%	1,460	175	12%	304	26%		
11	St. Charles	2,033	1,913	-120	-6%	1,669	-244	-13%	1,702	33	2%	1,905	203	11%	1,923	18	1%	-110	-5%		
12	Fulton	1,703	1,586	-117	-7%	1,540	-46	-3%	1,537	-3	0%	1,551	14	1%	1,519	-32	-2%	-184	-11%		
13	Columbia	3,187	4,041	854	27%	3,642	-399	-10%	3,677	35	1%	3,941	264	7%	4,042	101	2%	855	27%		
14	Moberly	1,015	1,212	197	19%	1,183	-29	-2%	1,042	-141	-12%	1,099	57	5%	1,349	250	19%	334	33%		
15	Sedalia	1,696	1,702	6	0%	1,510	-192	-11%	1,393	-117	-8%	1,480	87	6%	1,722	242	14%	26	2%		
16	Kansas City	8,572	8,604	32	0%	8,529	-75	-1%	8,134	-395	-5%	7,236	-898	-12%	8,581	1,345	16%	9	0%		
17	Harrisonville	2,600	2,907	307	12%	2,265	-642	-22%	2,471	206	9%	2,345	-126	-5%	2,347	2	0%	-253	-10%		
19	Jefferson City	1,163	1,378	215	18%	1,097	-281	-20%	1,388	291	27%	1,154	-234	-20%	1,056	-98	-9%	-107	-9%		
20	Union	1,241	1,447	206	17%	1,414	-33	-2%	1,480	66	5%	1,750	270	15%	2,088	338	16%	847	68%		
21	St. Louis County	4,054	4,651	597	15%	3,289	-1,362	-29%	3,082	-207	-6%	3,193	111	3%	1,550	-1,643	-106%	-2,504	-62%		
22	St. Louis City	8,322	7,777	-545	-7%	6,979	-798	-10%	6,842	-137	-2%	6,854	12	0%	5,519	-1,335	-24%	-2,803	-34%		
23	Hillsboro	1,241	1,214	-27	-2%	1,242	28	2%	1,234	-8	-1%	1,551	317	20%	1,778	227	13%	537	43%		
24	Farmington	1,533	1,663	130	8%	1,969	306	18%	1,787	-182	-9%	1,876	89	5%	2,111	235	11%	578	38%		
25	Rolla	1,984	2,116	132	7%	2,155	39	2%	2,416	261	12%	2,922	506	17%	3,234	312	10%	1,250	63%		
26	Lebanon	1,755	1,625	-130	-7%	1,878	253	16%	2,325	447	24%	2,263	-62	-3%	2,797	534	19%	1,042	59%		
28	Nevada	960	979	19	2%	1,005	26	3%	1,151	146	15%	1,228	77	6%	1,258	30	2%	298	31%		
29	Carthage	3,540	3,391	-149	-4%	3,201	-190	-6%	2,853	-348	-11%	4,429	1,576	36%	4,181	-248	-6%	641	18%		
30	Buffalo	1,189	1,088	-101	-8%	916	-172	-16%	1,118	202	22%	1,175	57	5%	1,626	451	28%	437	37%		
31	Springfield	2,447	2,510	63	3%	2,334	-176	-7%	2,839	505	22%	3,201	362	11%	3,931	730	19%	1,484	61%		
32	Cape Girardeau	2,544	2,335	-209	-8%	2,104	-231	-10%	2,674	570	27%	2,420	-254	-10%	2,679	259	10%	135	5%		
34	Caruthersville	1,275	994	-281	-22%	910	-84	-8%	1,085	175	19%	1,105	20	2%	1,133	28	2%	-142	-11%		
35	Kennett	1,542	1,461	-81	-5%	1,591	130	9%	1,719	128	8%	1,678	-41	-2%	1,837	159	9%	295	19%		
36	Poplar Bluff	2,625	1,492	-1,133	-43%	1,240	-252	-17%	1,549	309	25%	1,490	-59	-4%	1,804	314	17%	-821	-31%		
37	West Plains	663	644	-19	-3%	812	168	26%	685	-127	-16%	875	190	22%	1,040	165	16%	377	57%		
39	Monett	1,724	1,939	215	12%	1,765	-174	-9%	2,050	285	16%	2,151	101	5%	2,132	-19	-1%	408	24%		
43	Chillicothe	1,784	1,767	-17	-1%	1,697	-70	-4%	2,036	339	20%	2,311	275	12%	2,364	53	2%	580	33%		
44	Ava	547	546	-1	0%	434	-112	-21%	489	55	13%	539	50	9%	661	122	18%	114	21%		
45	Troy	667	835	168	25%	783	-52	-6%	874	91	12%	961	87	9%	982	21	2%	315	47%		
47	Springfield Conflicts	498	0															-498	-100%		
49	St. Louis Conflicts	824	838	14	2%	583	-255	-30%	694	111	19%	614	-80	-13%	917	303	33%	93	11%		
Total Trial Division		73,003	73,197	194	0%	68,314	-4,883	-7%	71,887	3,573	5%	75,314	3,427	5%	79,001	3,687	5%	5,998	8%		
Dispositions																					
		FY1999				FY2000				FY2001				FY2002				FY2003		FY98 to FY03	



## FY2003 - Trial Division Closed Cases by Case Type



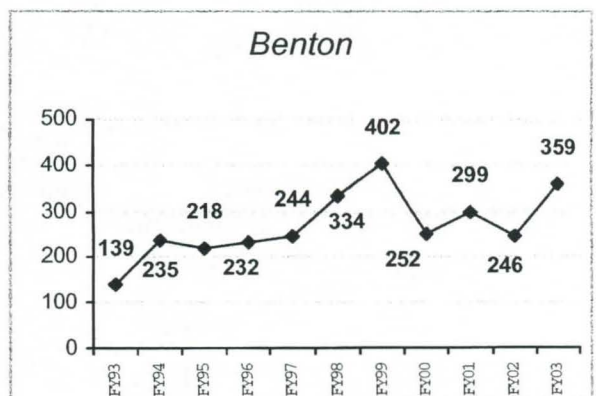
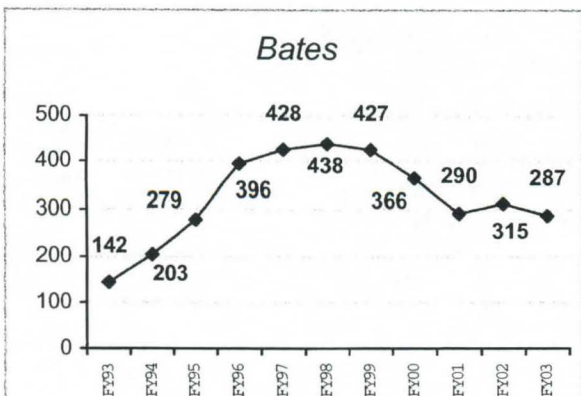
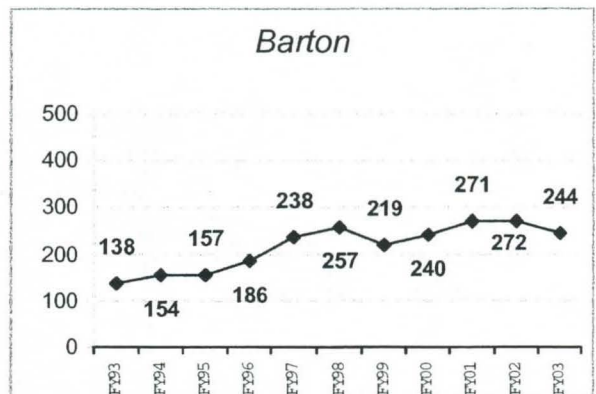
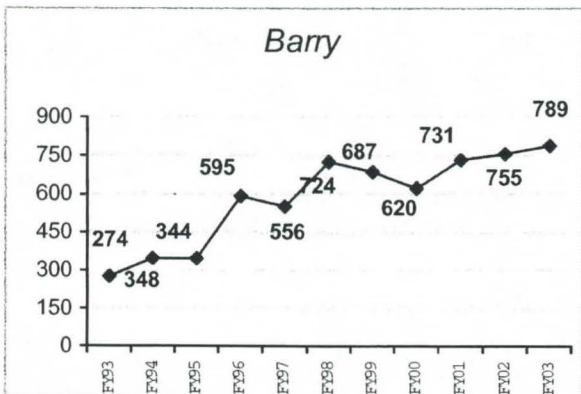
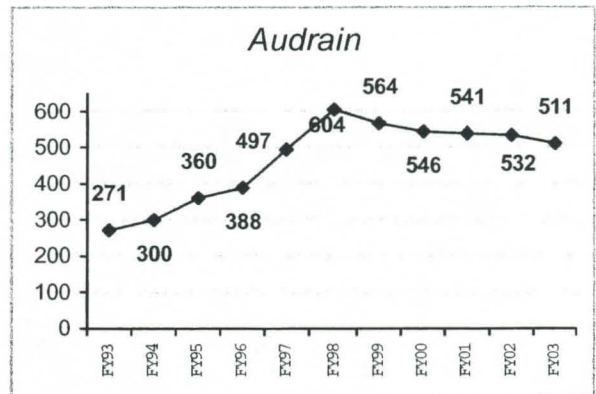
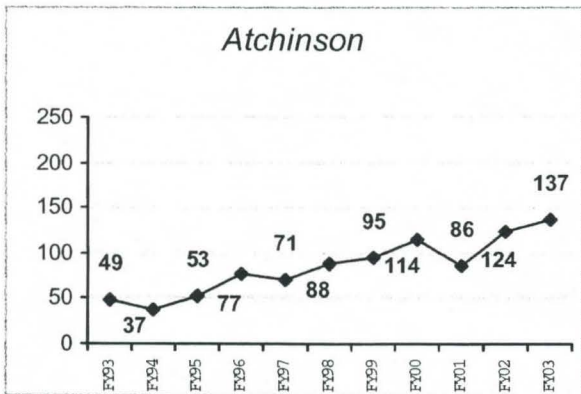
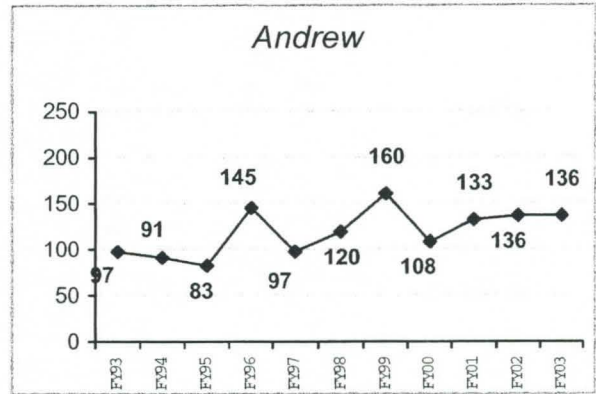
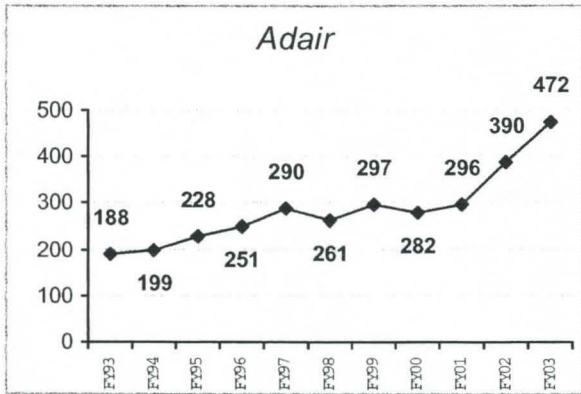
Felony Cases Opened	32,920 or 41.67% of the total caseload
Misdemeanor Cases Opened	24,556 or 31.08% of the total caseload
Probation Violation Cases Opened	17,546 or 22.21% of the total caseload
Juvenile Cases Opened	3,908 or 4.95% of the total caseload



**Fiscal Year 2003 - Trial Division Caseload**  
**Assigned and Disposed by County**

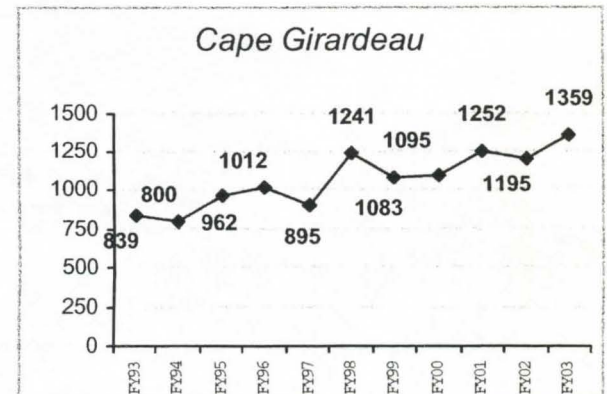
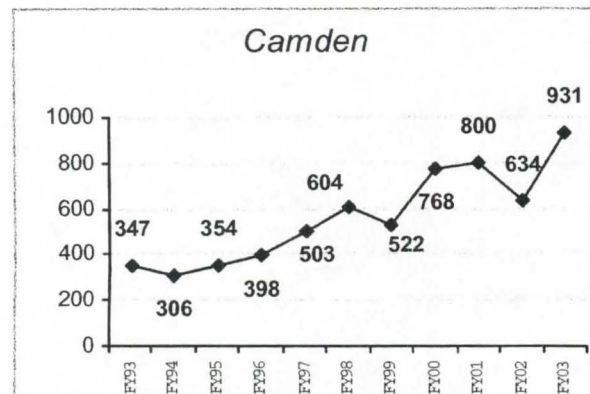
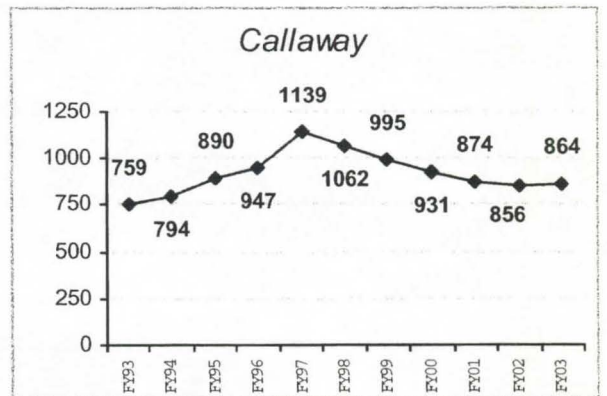
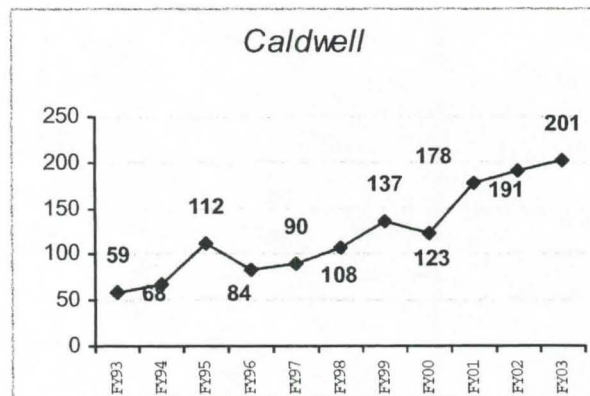
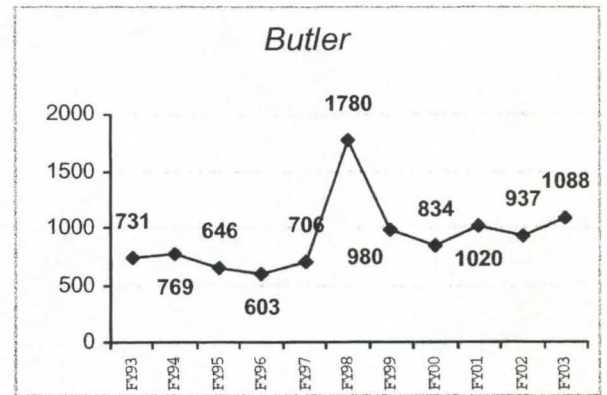
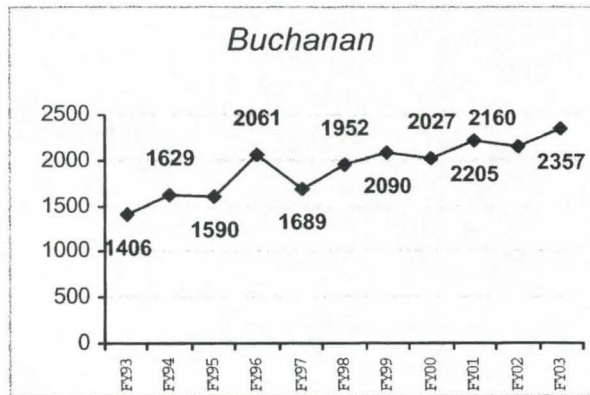
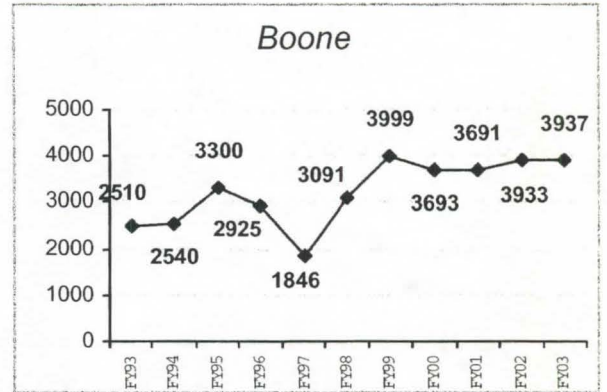
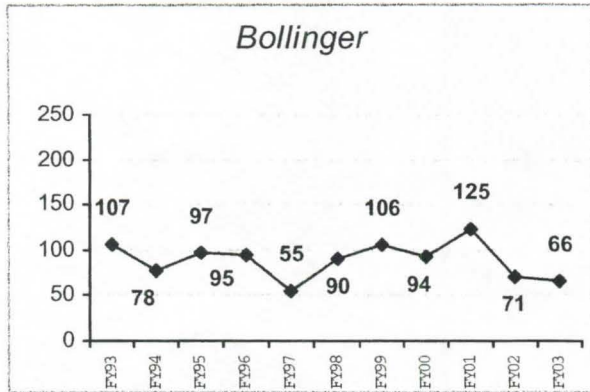
County	FY2003 Assigned	FY2003 Disposed	County	FY2003 Assigned	FY2003 Disposed	County	FY2003 Assigned	FY2003 Disposed	County	FY2003 Assigned	FY2003 Disposed
Adair	481	472	Dallas	397	396	Livingston	335	331	Randolph	460	566
Andrew	171	136	Daviess	285	283	Macon	475	411	Ray	511	513
Atchinson	160	137	DeKalb	114	114	Madison	146	132	Reynolds	72	67
Audrain	589	511	Dent	311	314	Maries	136	127	Ripley	301	298
Barry	814	789	Douglas	196	201	Marion	602	590	Saline	434	433
Barton	248	244	Dunklin	1,107	1,114	McDonald	461	453	Schuyler	39	37
Bates	268	287	Franklin	1,835	1,938	Mercer	103	82	Scotland	71	66
Benton	344	359	Gasconade	222	231	Miller	467	474	Scott	693	634
Bollinger	76	66	Gentry	62	62	Mississippi	536	524	Shannon	152	141
Boone	3,969	3,937	Greene	3,205	3,076	Moniteau	188	186	Shelby	247	237
Buchanan	2,375	2,357	Grundy	293	271	Monroe	83	87	Ste. Genevieve	177	192
Butler	1,059	1,088	Harrison	241	250	Montgomery	217	192	Stoddard	736	739
Caldwell	208	201	Henry	600	546	Morgan	330	345	Stone	516	356
Callaway	903	864	Hickory	124	127	New Madrid	376	395	St. Charles	1,484	1,537
Camden	929	931	Holt	92	96	Newton	1,173	1,151	St. Clair	157	117
Cape Girardeau	1,469	1,359	Howard	69	87	Nodaway	136	141	St. Francois	991	902
Carroll	142	130	Howell	731	739	Oregon	166	198	St. Louis City	7,414	7,026
Carter	105	102	Iron	220	229	Osage	87	92	St. Louis Co.	3,748	1,942
Cass	974	887	Jackson	10,801	10,126	Ozark	155	138	Sullivan	120	110
Cedar	336	328	Jasper	2,677	2,627	Pemiscot	732	707	Taney	730	633
Chariton	123	122	Jefferson	1,881	1,800	Perry	186	173	Texas	588	496
Christian	489	462	Johnson	496	429	Pettis	579	553	Vernon	616	632
Clark	249	244	Knox	71	68	Phelps	900	965	Warren	329	337
Clay	2,014	1,967	Laclede	822	873	Pike	270	267	Washington	557	536
Clinton	286	262	Lafayette	507	494	Platte	990	886	Wayne	238	292
Cole	1,133	904	Lawrence	712	645	Polk	386	403	Webster	398	359
Cooper	251	244	Lewis	192	172	Pulaski	514	566	Worth	30	30
Crawford	908	854	Lincoln	734	729	Putnam	152	149	Wright	380	299
Dade	132	125	Linn	270	188	Ralls	150	162			
										83,692	79,001

# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

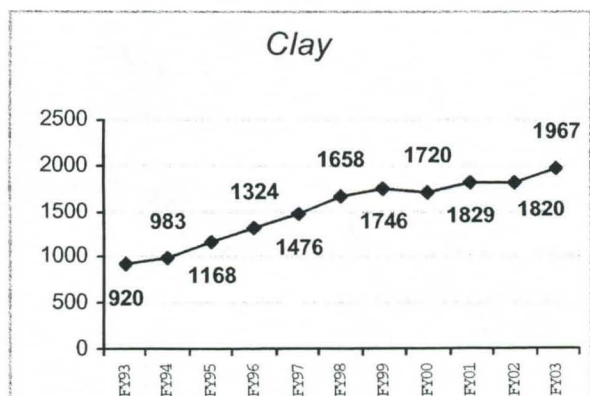
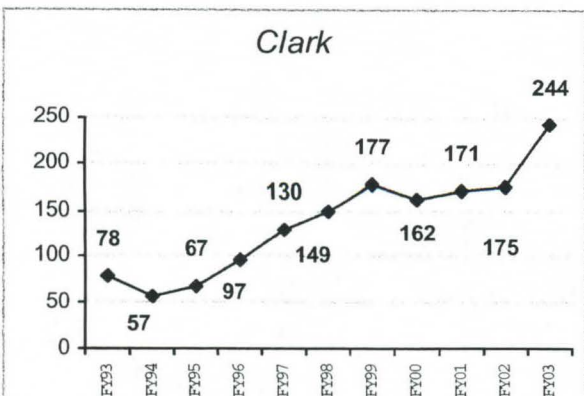
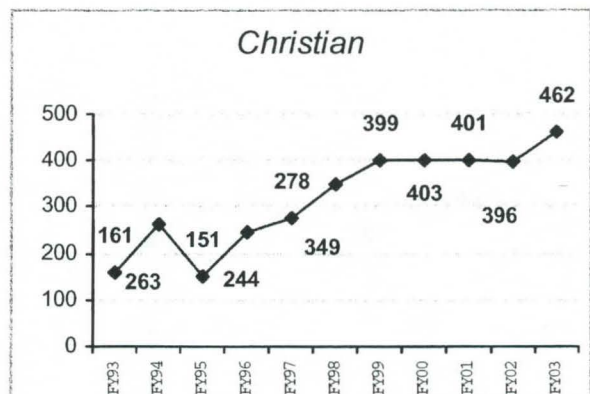
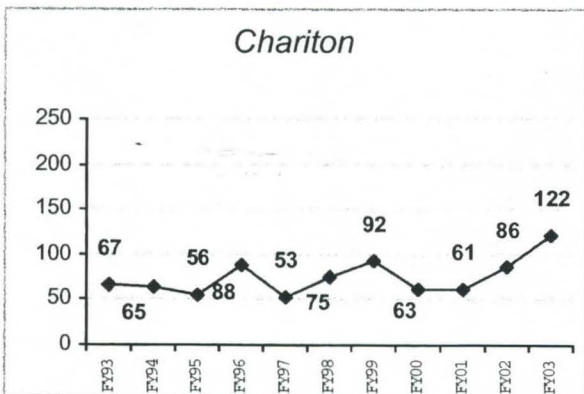
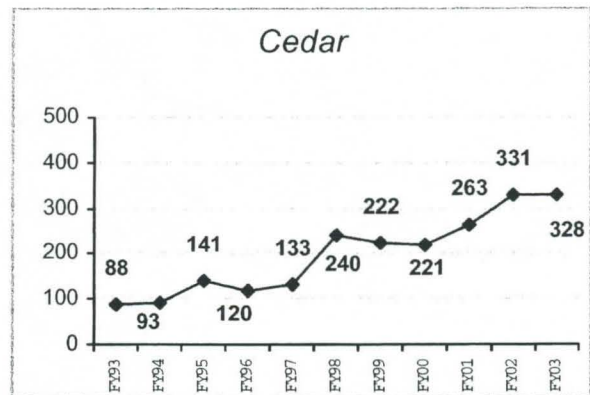
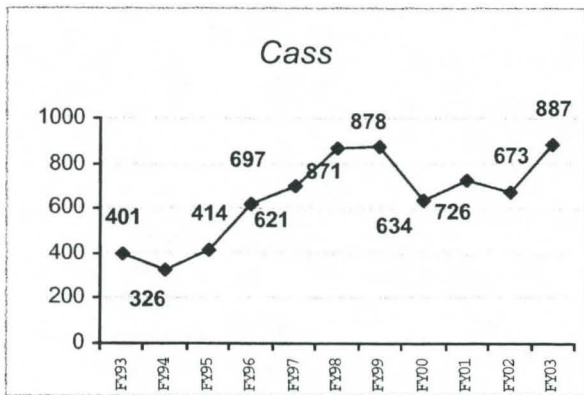
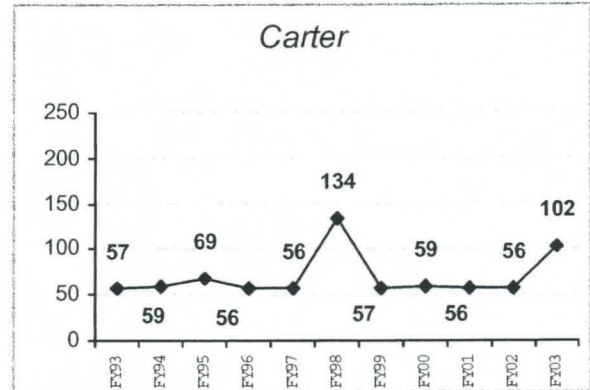
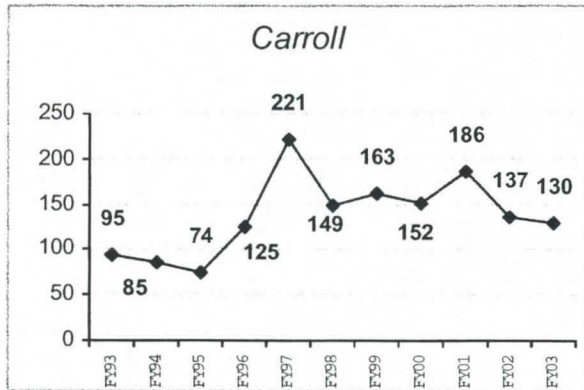




# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

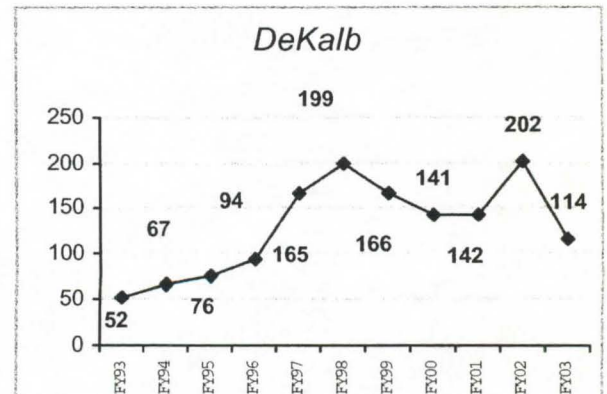
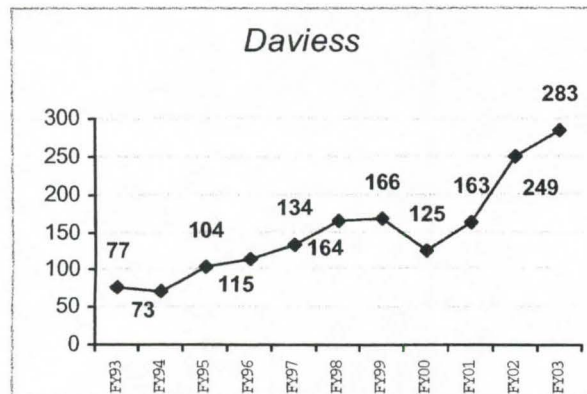
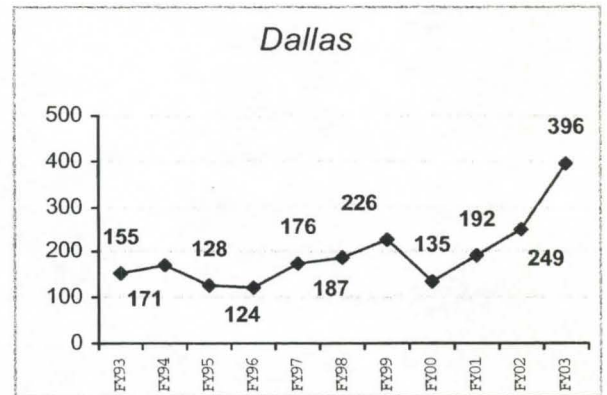
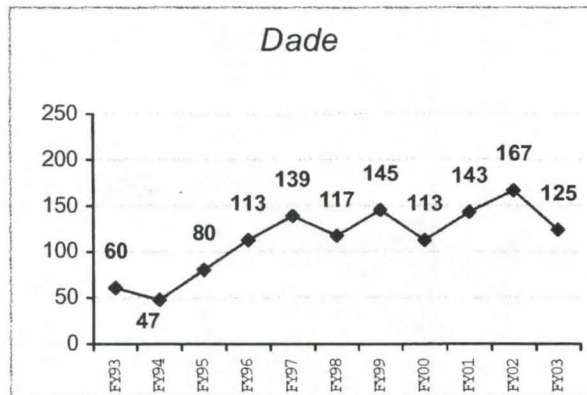
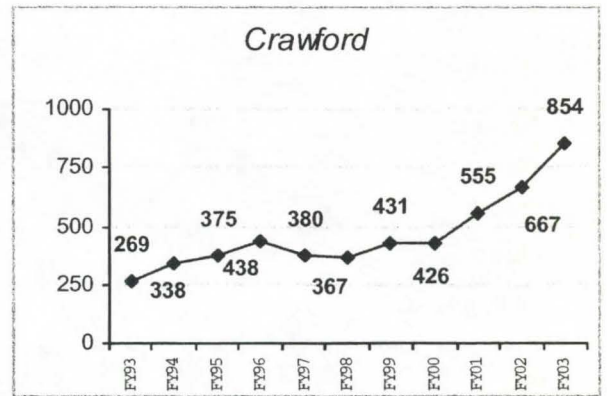
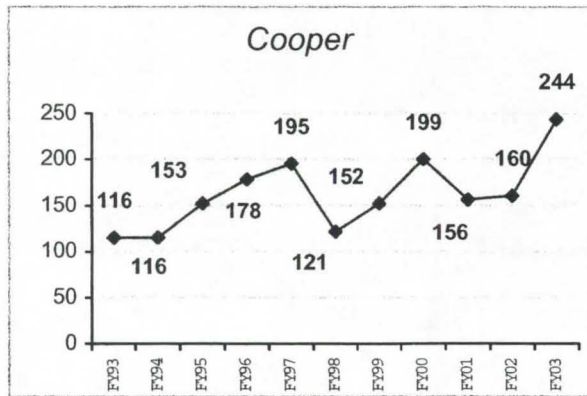
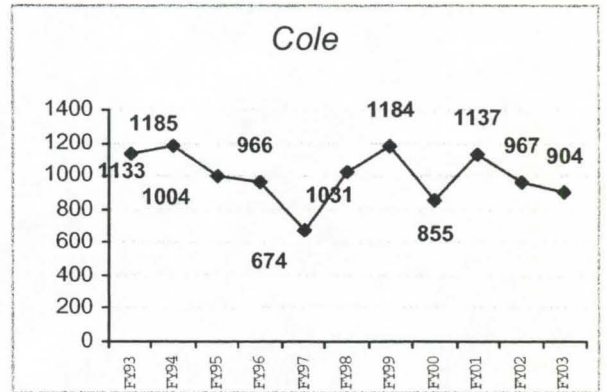
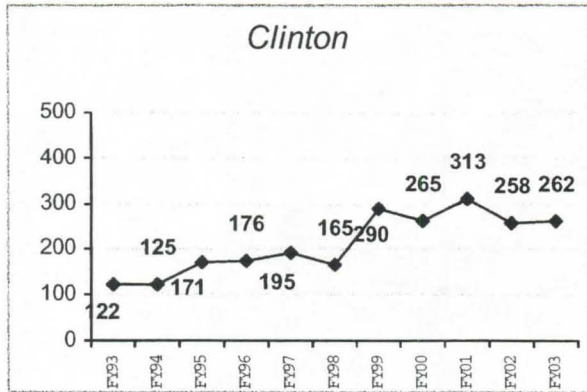


# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

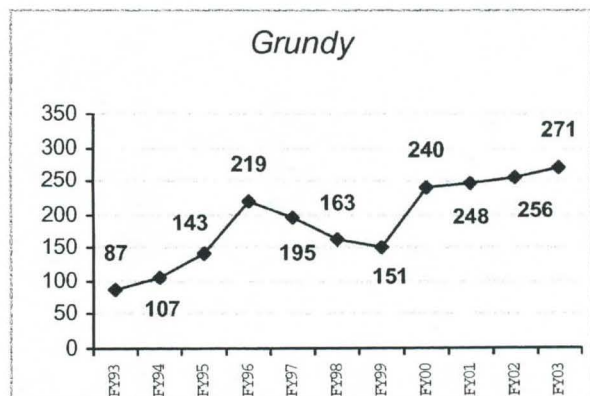
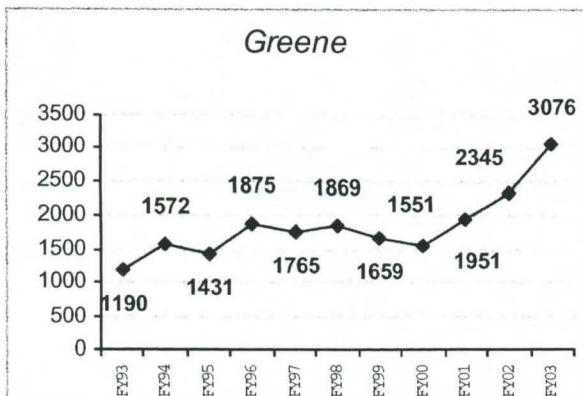
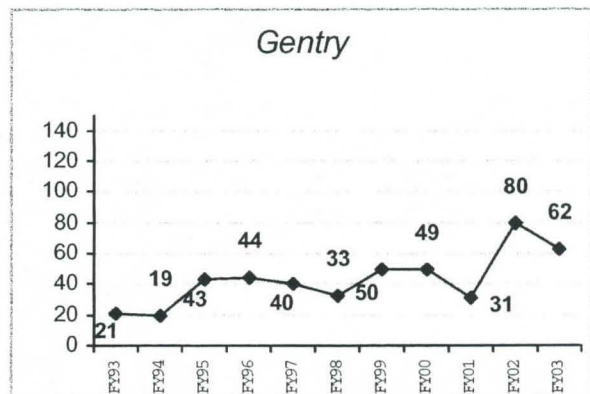
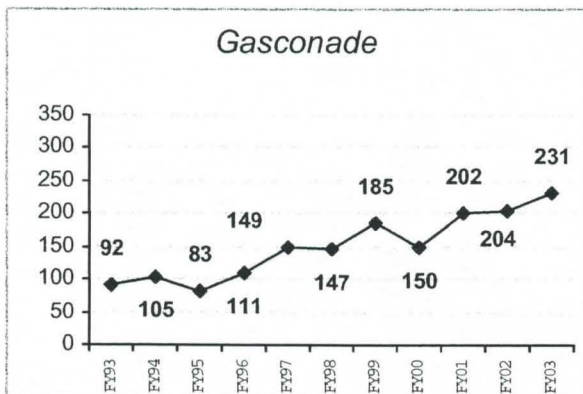
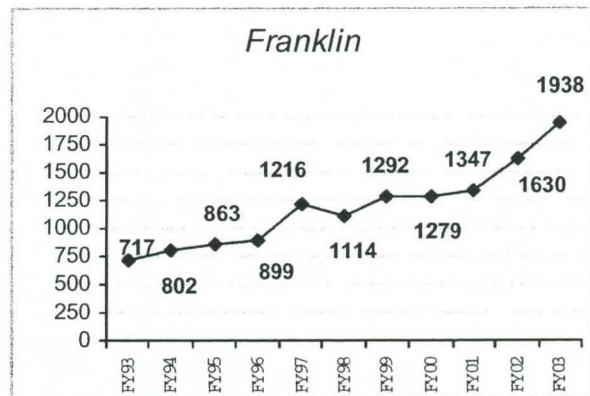
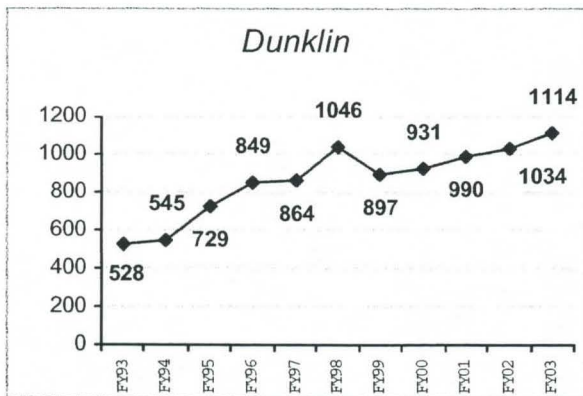
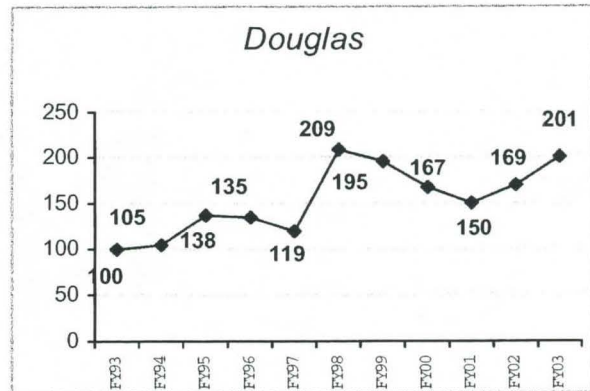
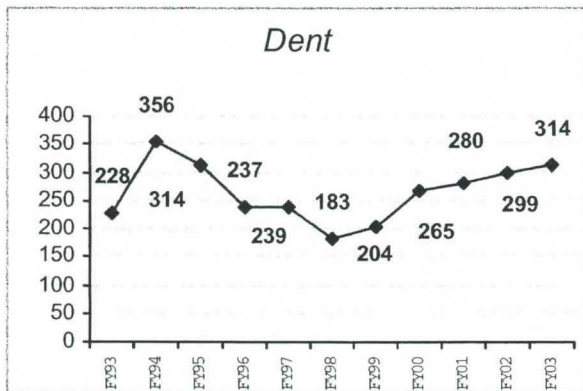




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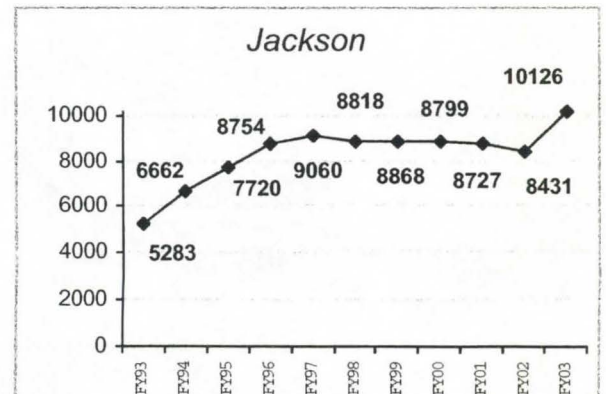
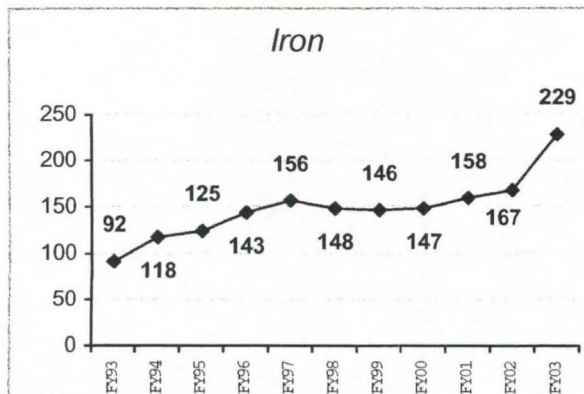
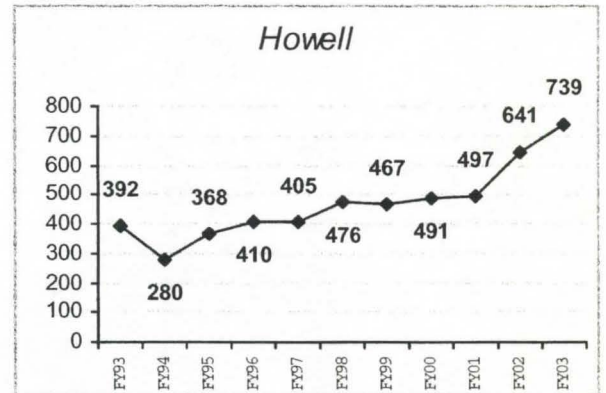
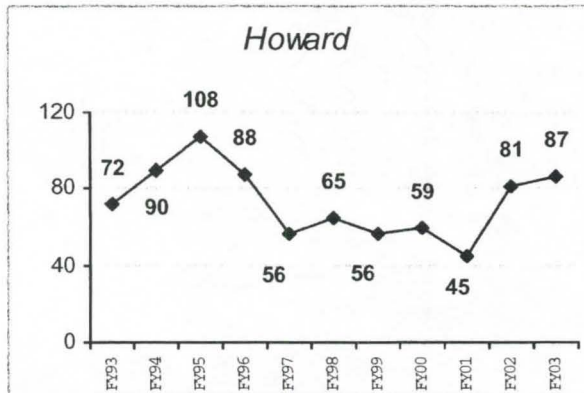
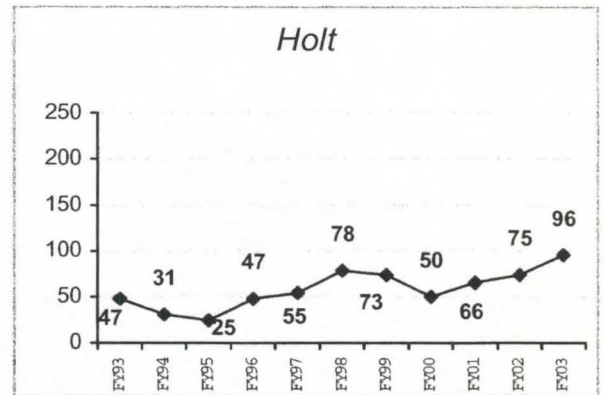
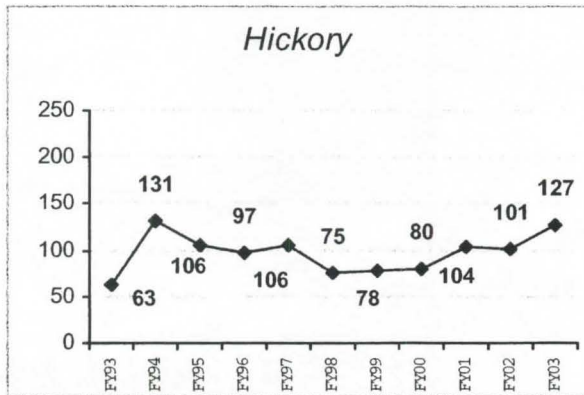
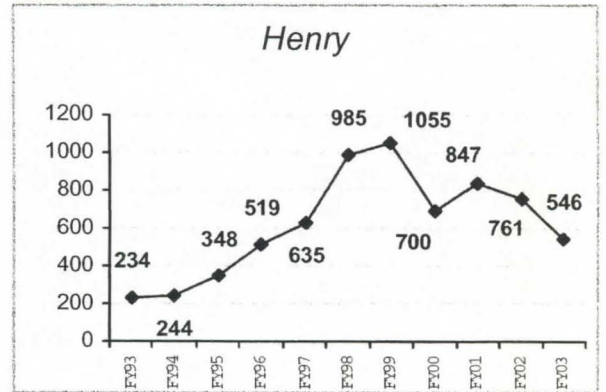
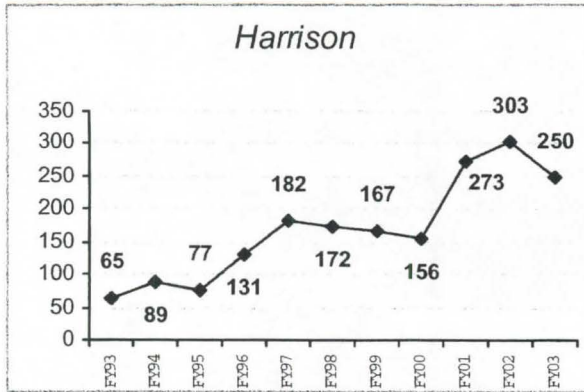


# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

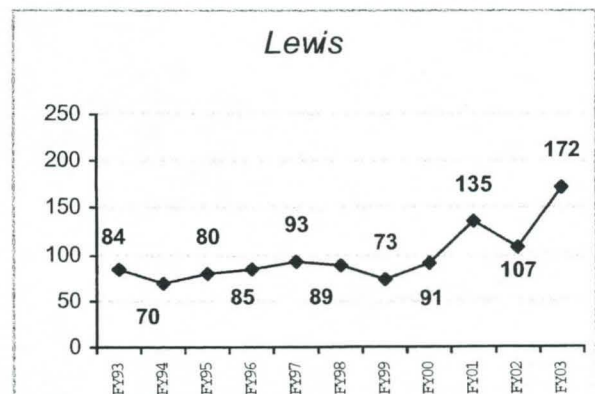
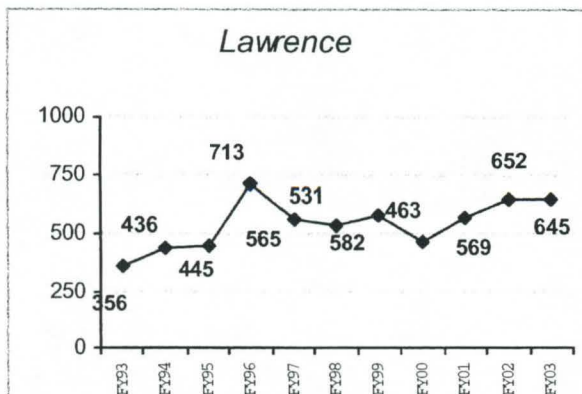
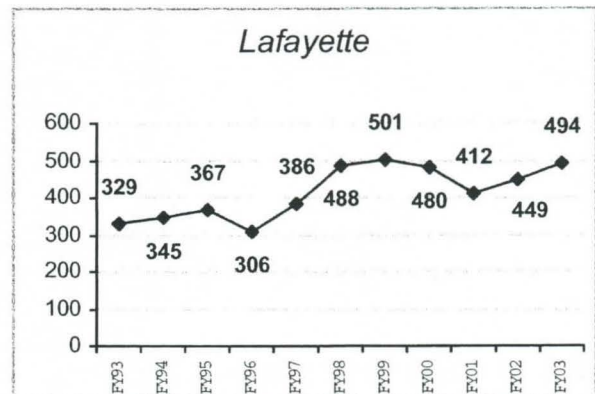
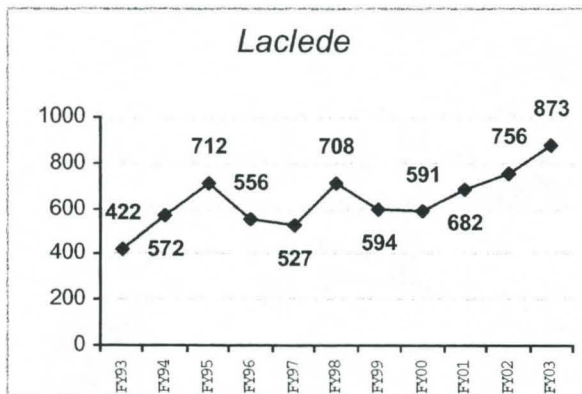
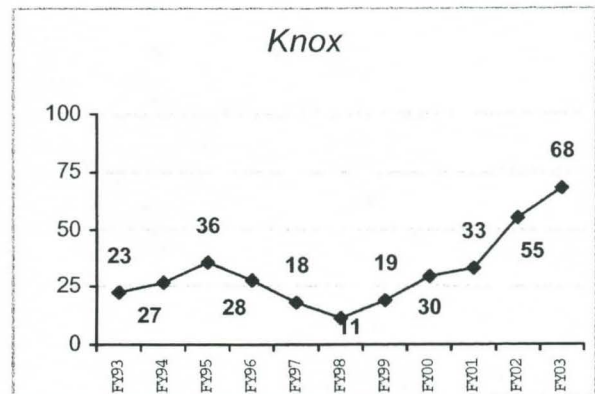
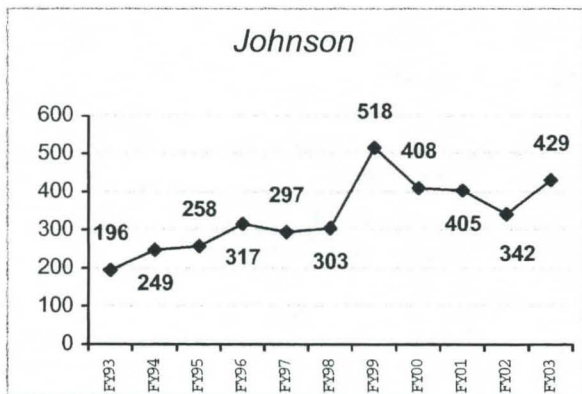
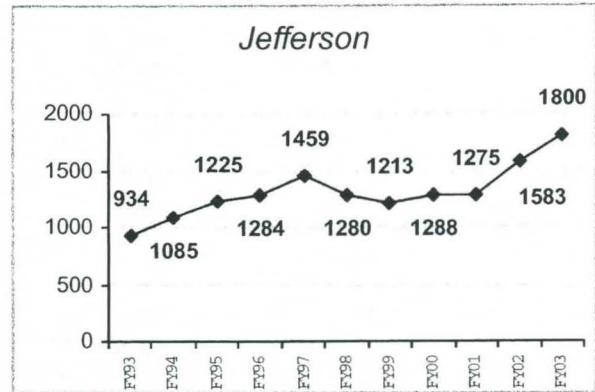
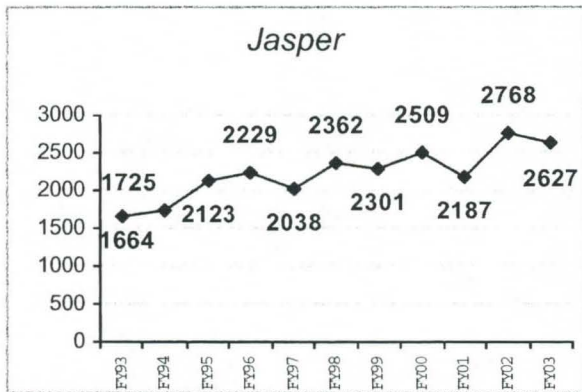




# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

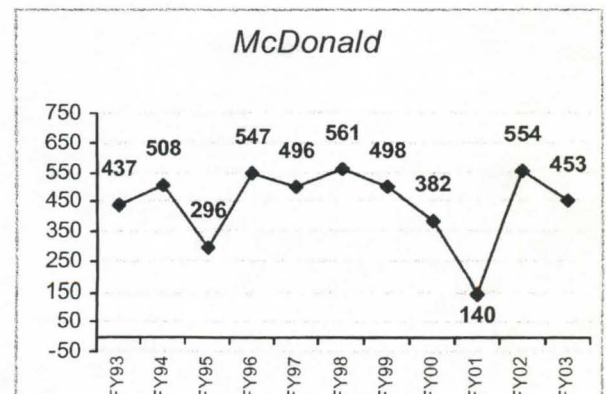
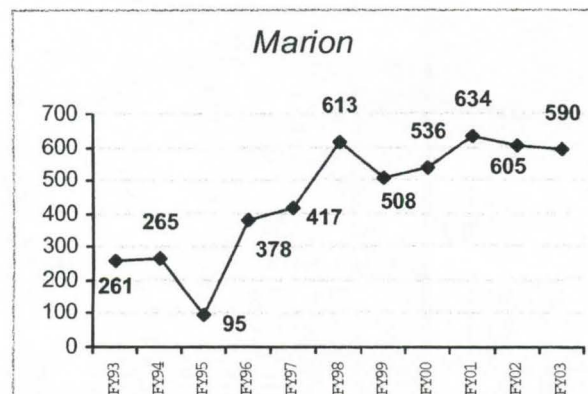
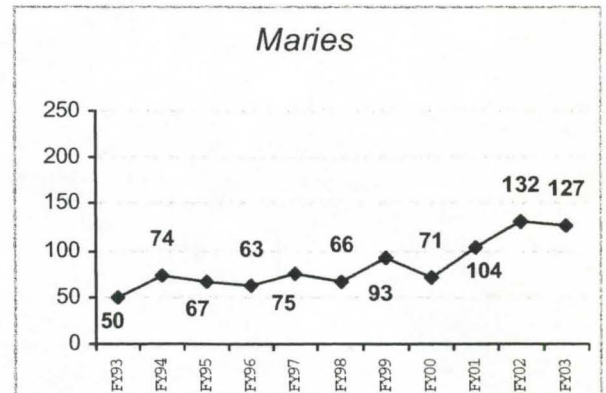
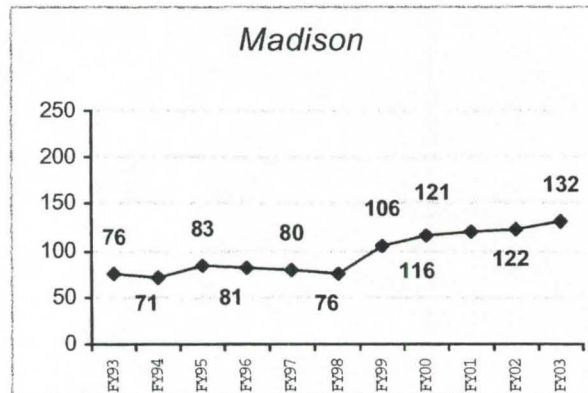
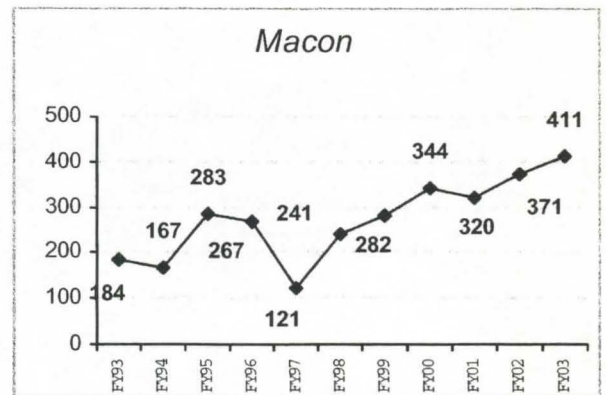
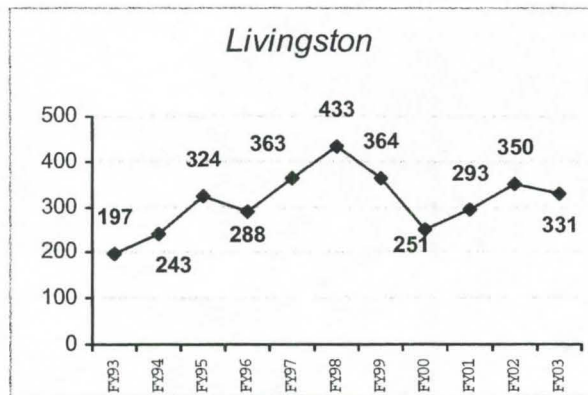
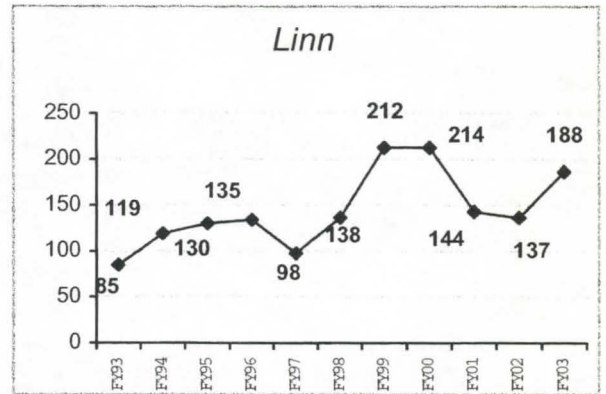
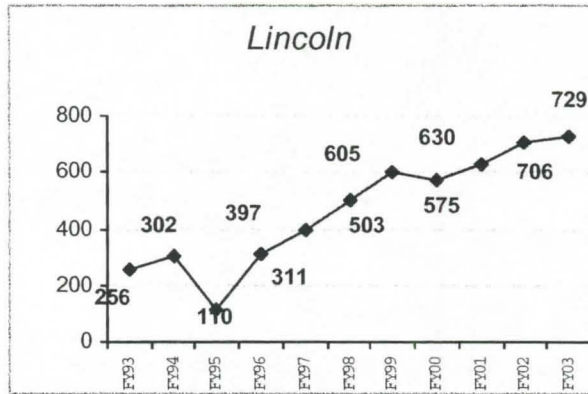


# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

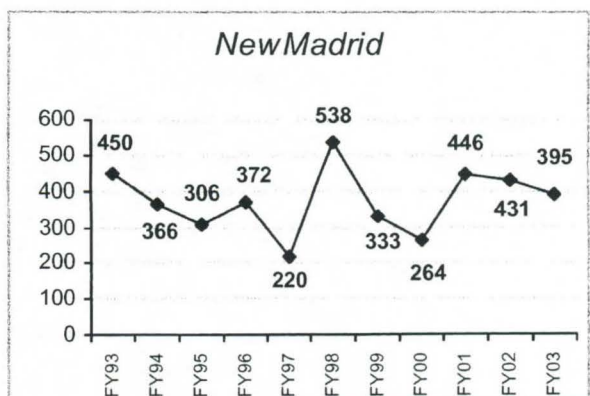
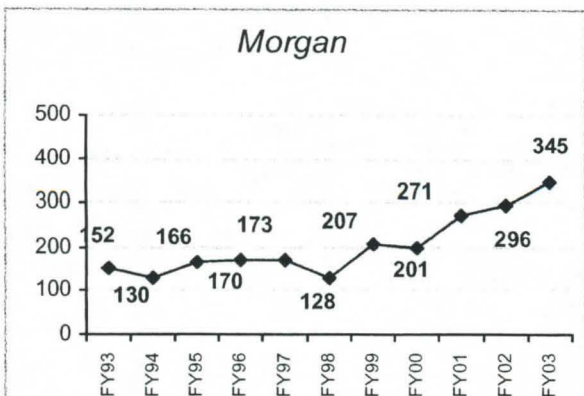
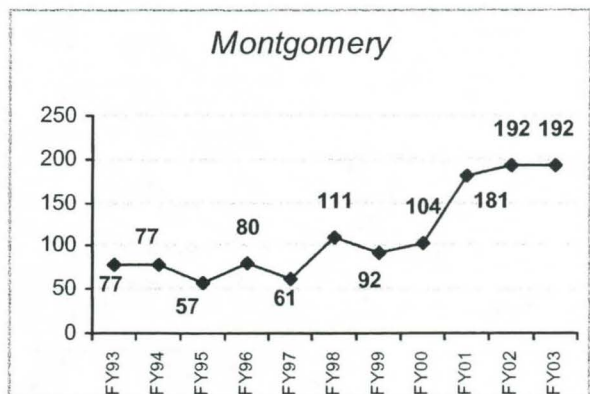
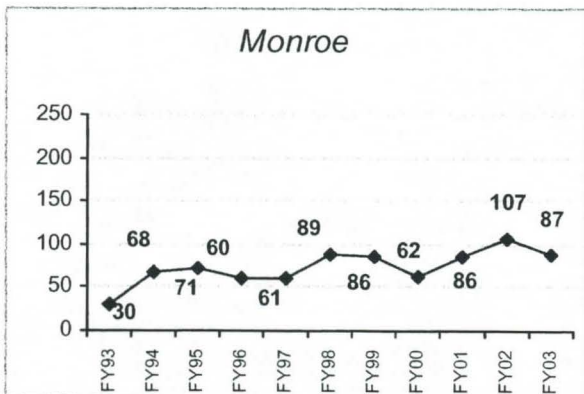
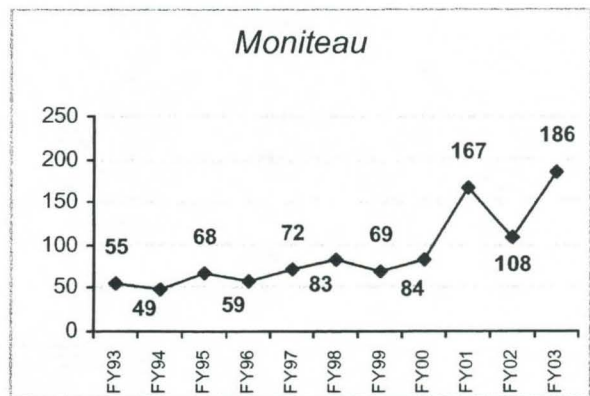
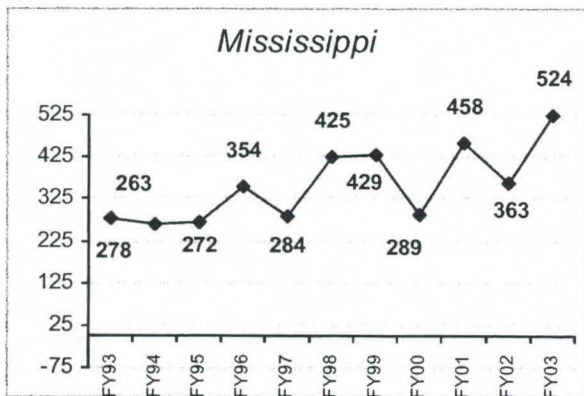
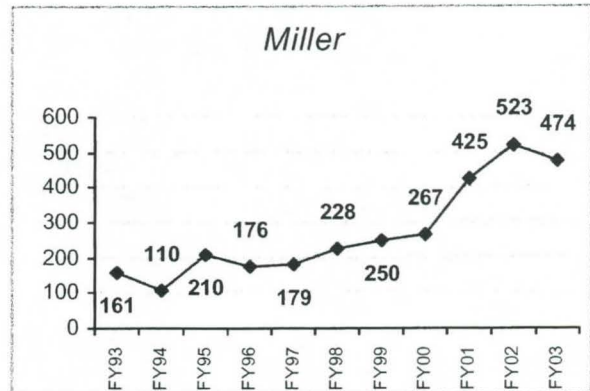
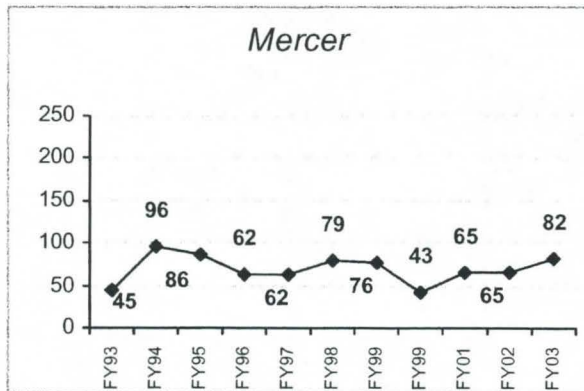




# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

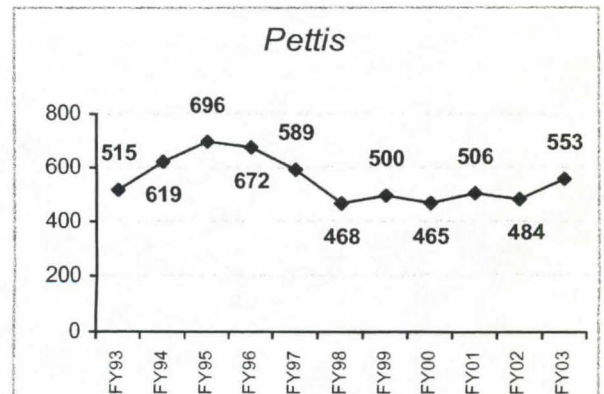
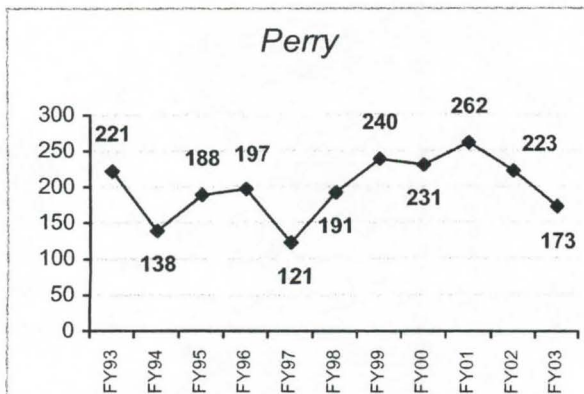
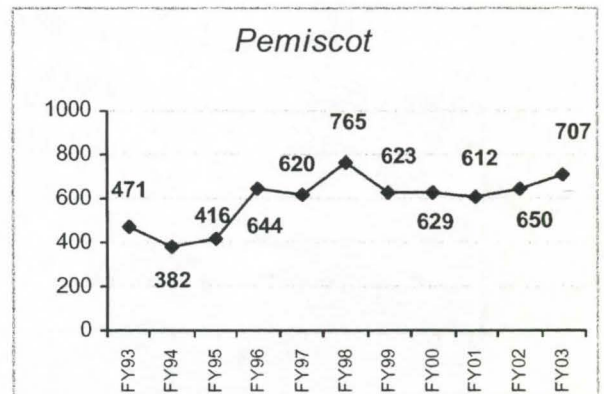
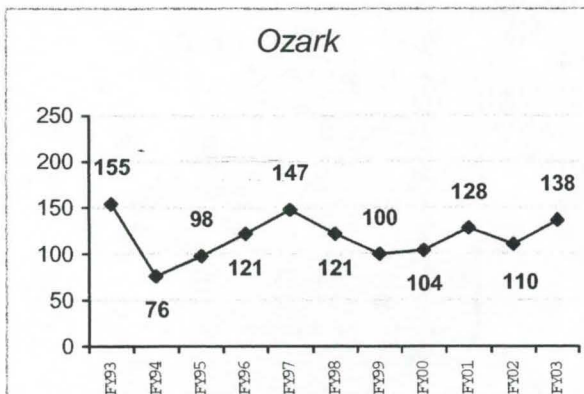
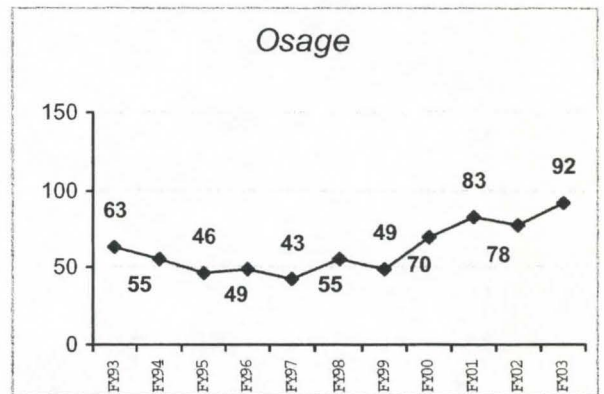
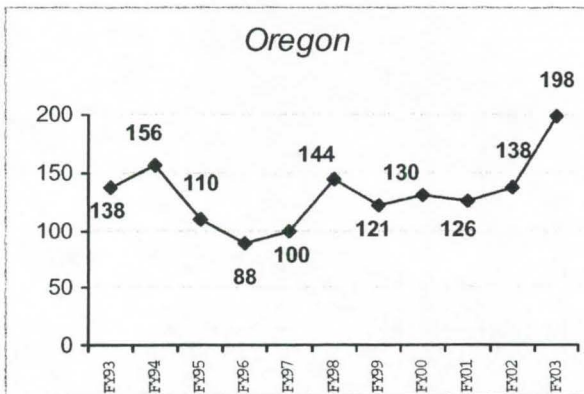
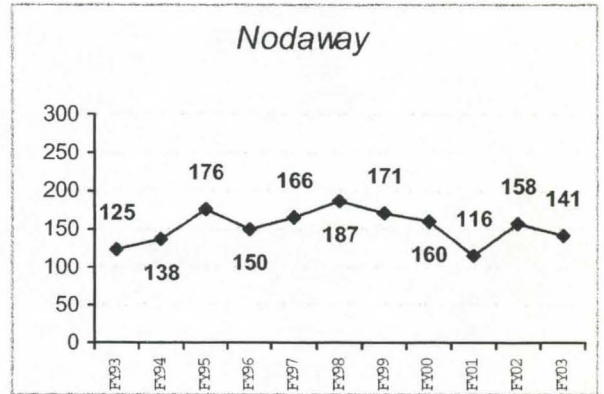
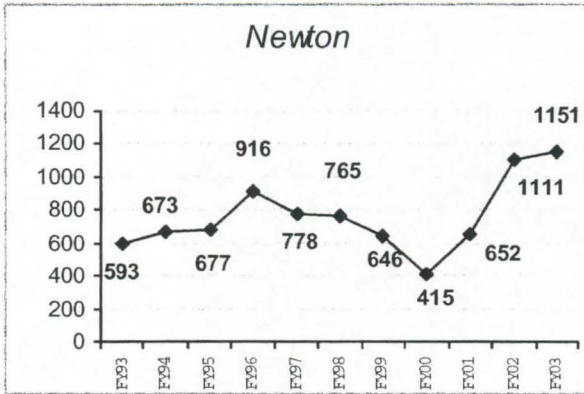


# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

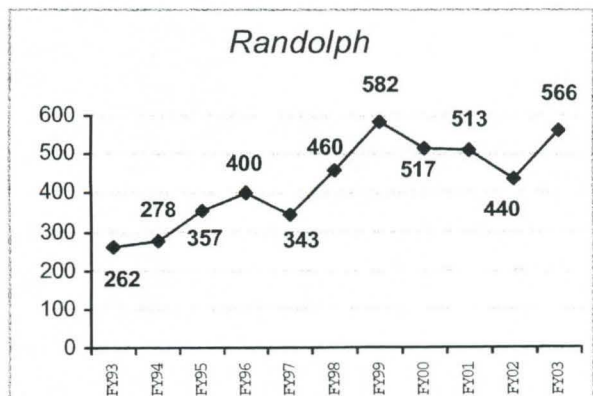
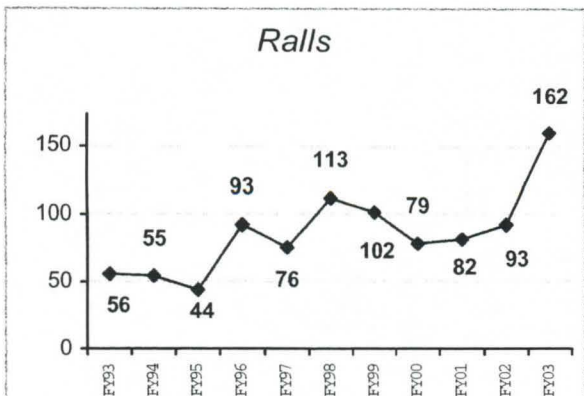
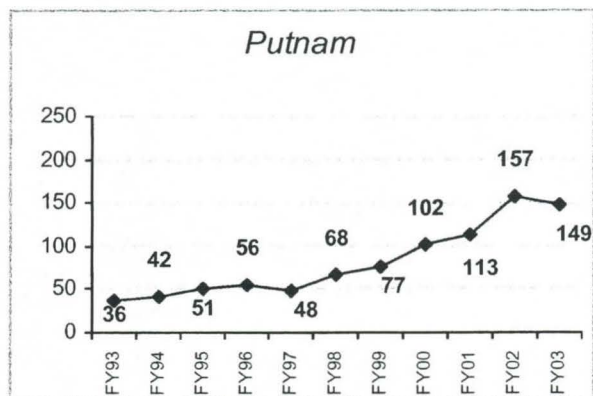
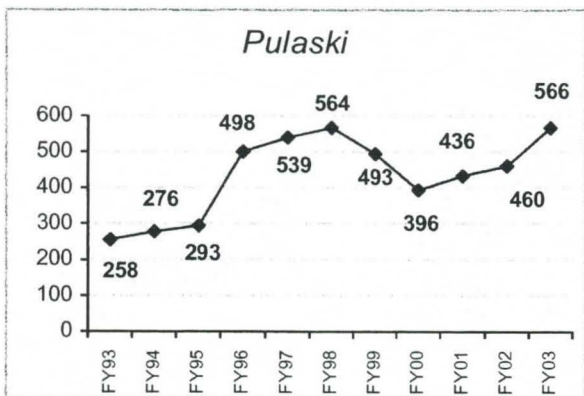
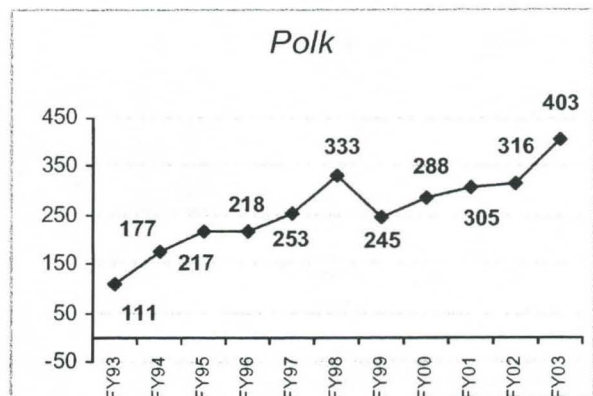
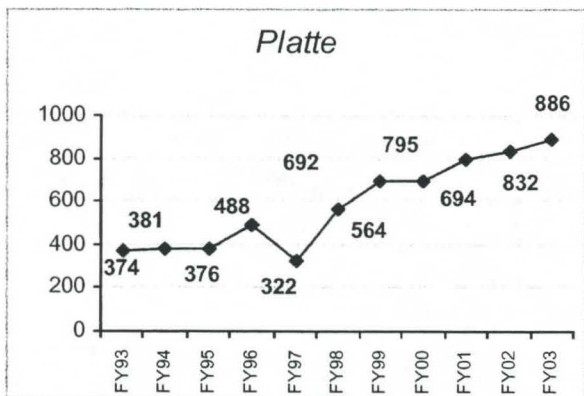
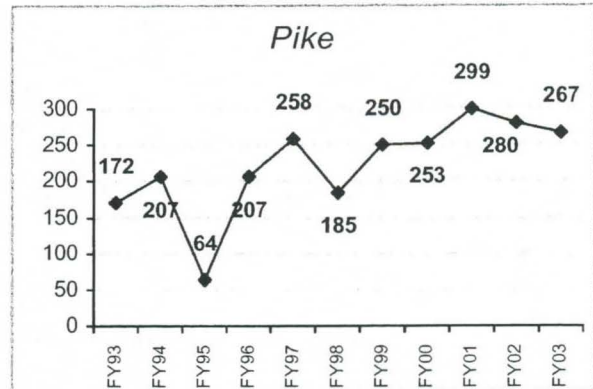
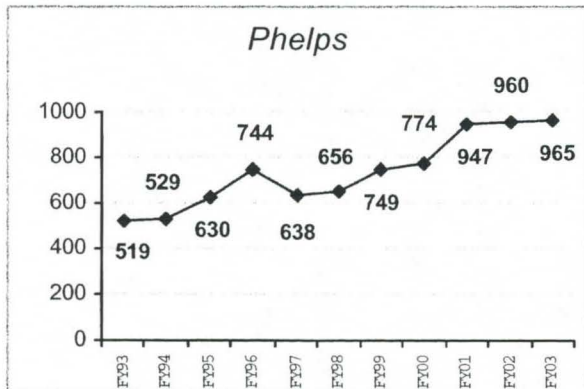




# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

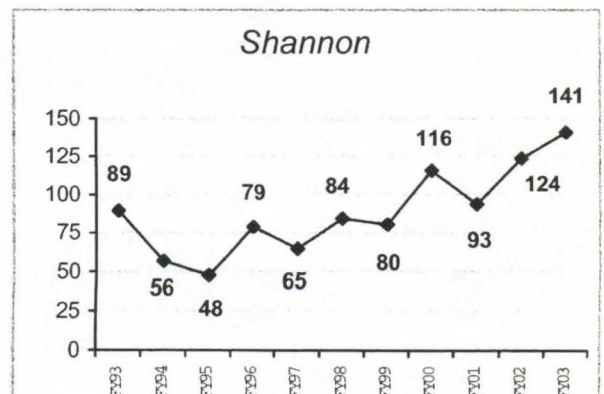
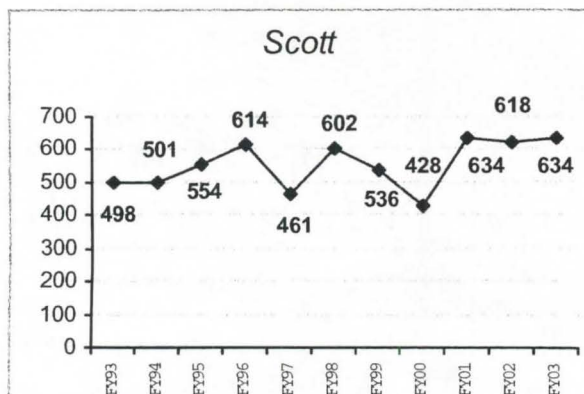
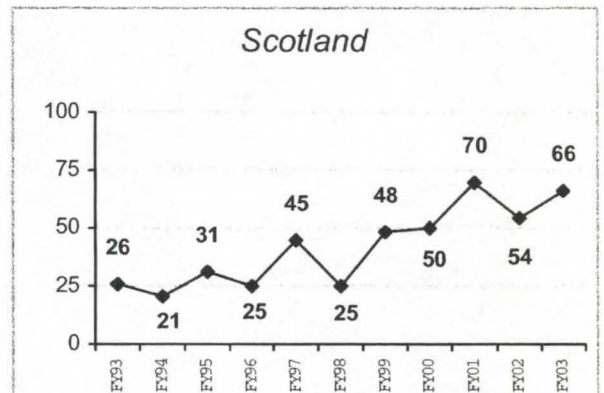
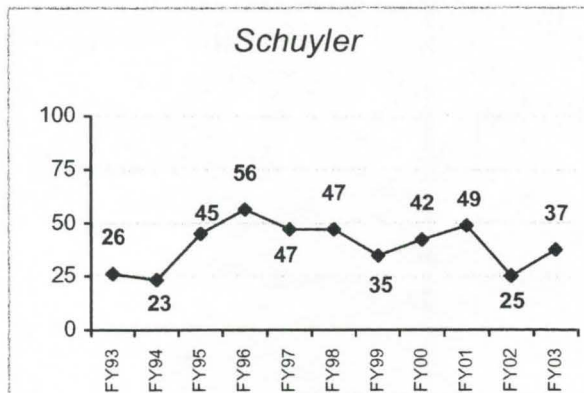
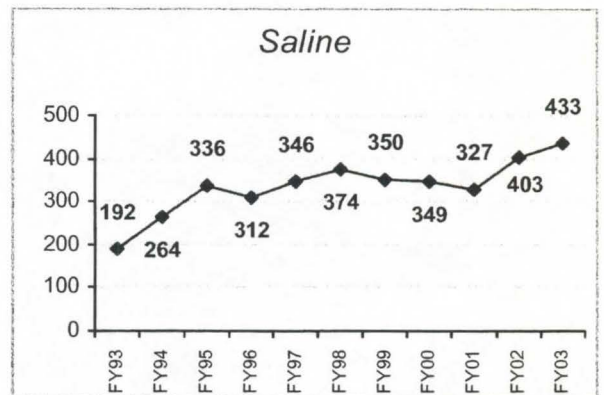
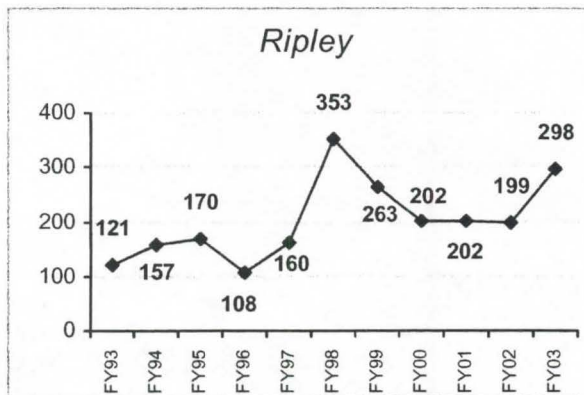
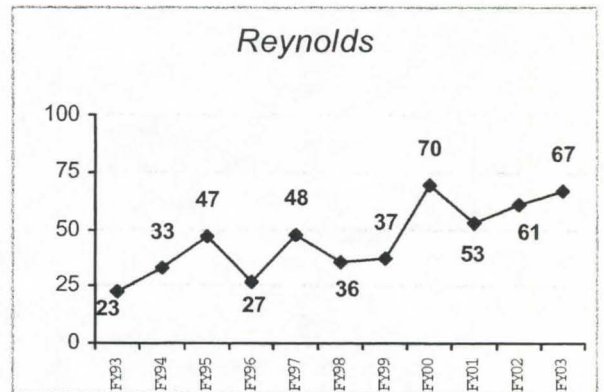
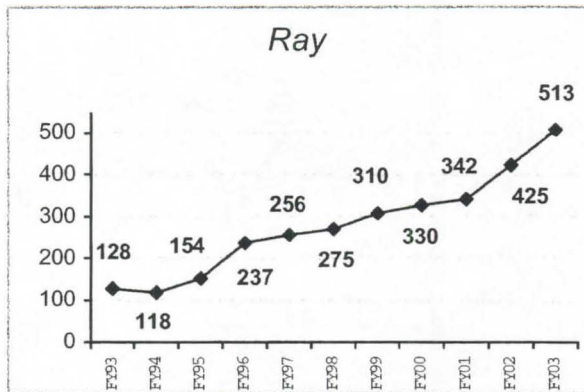


# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

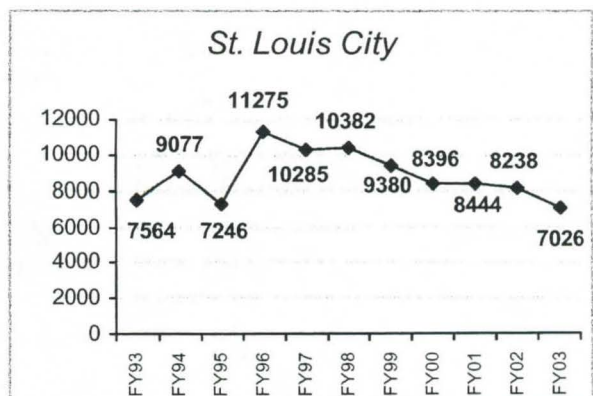
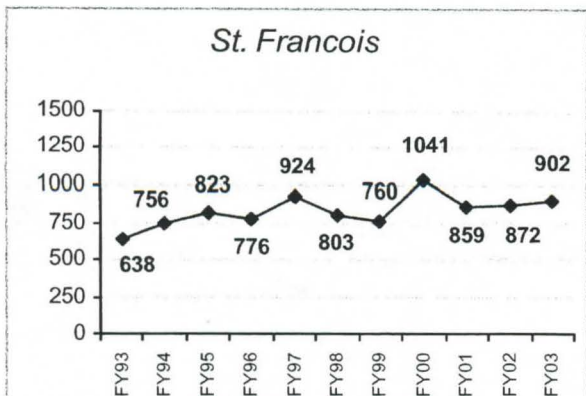
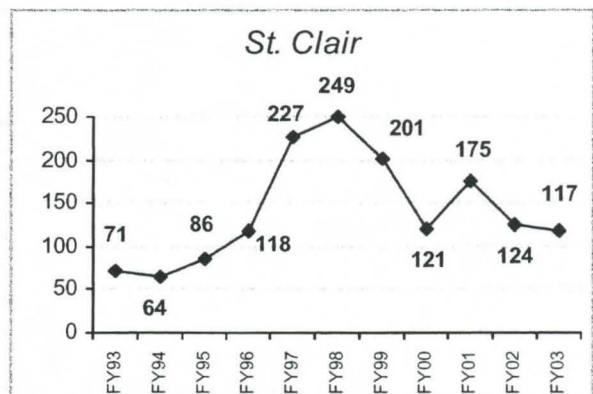
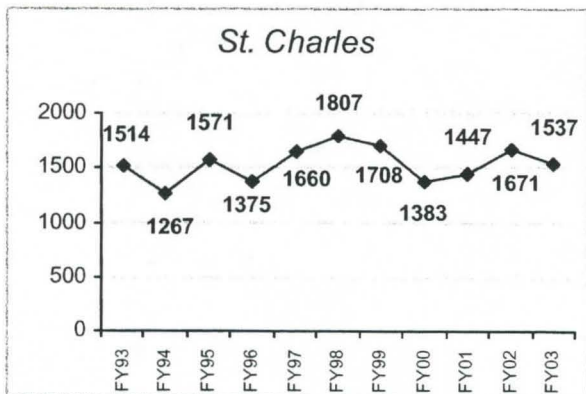
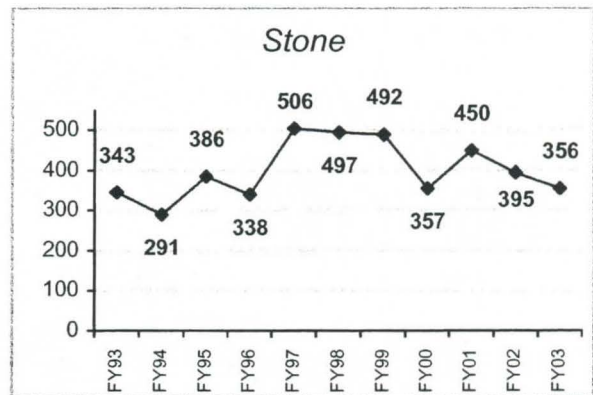
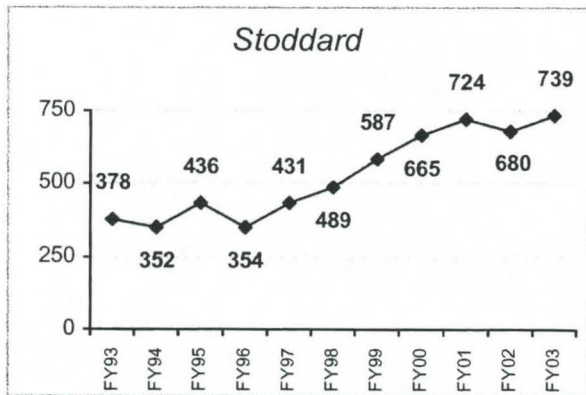
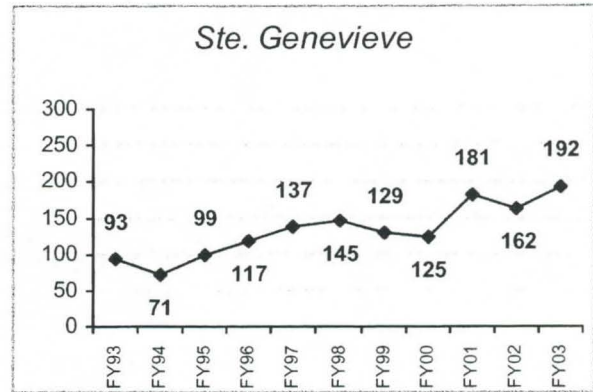
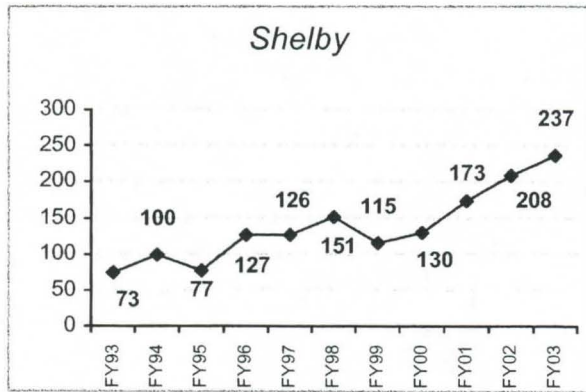




# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

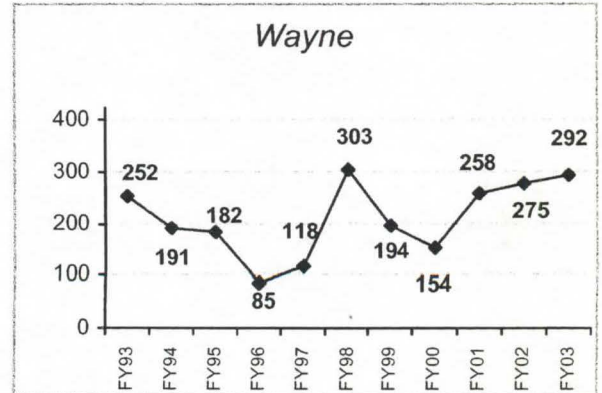
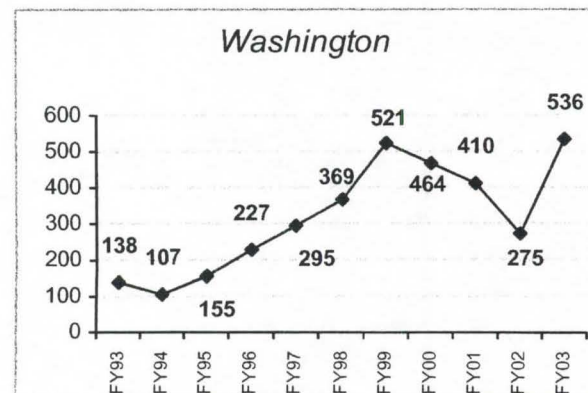
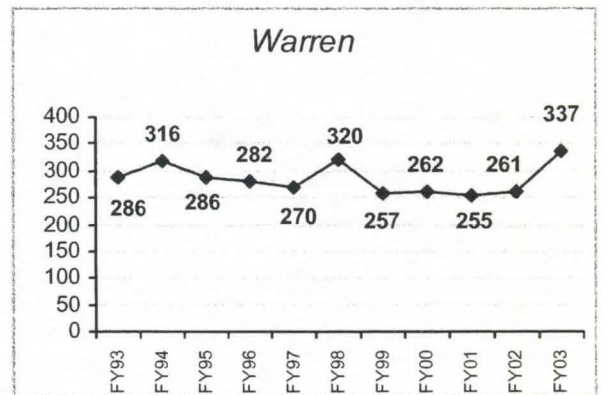
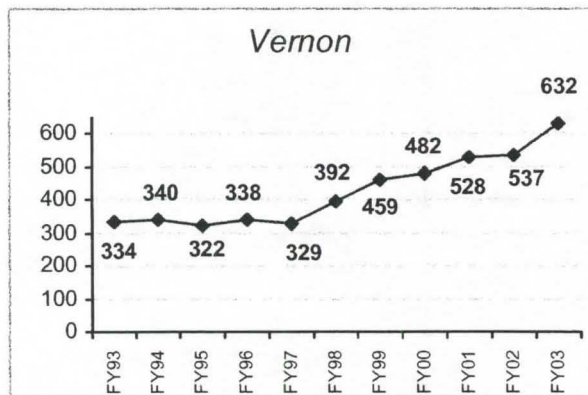
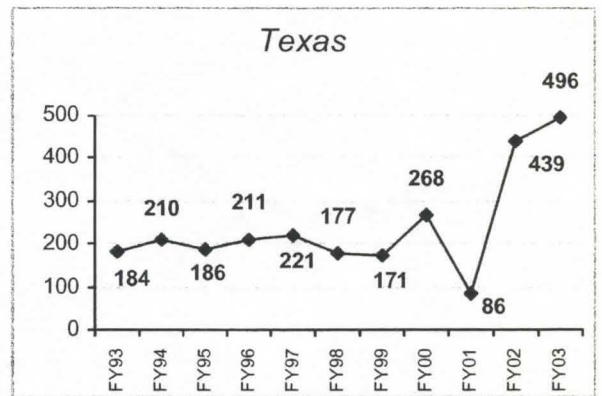
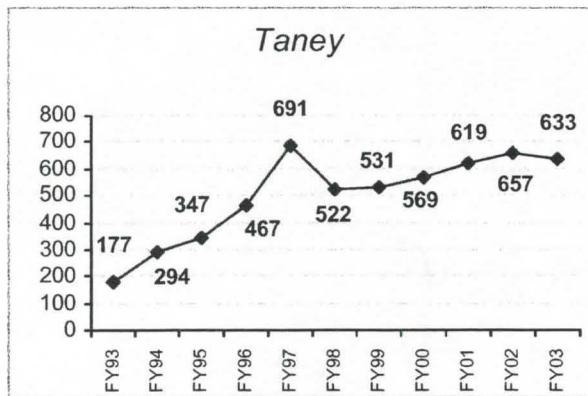
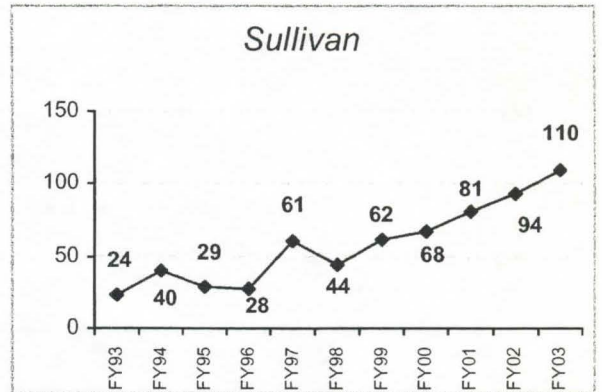
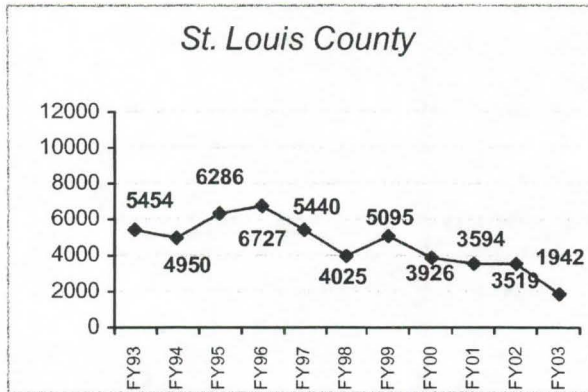


# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

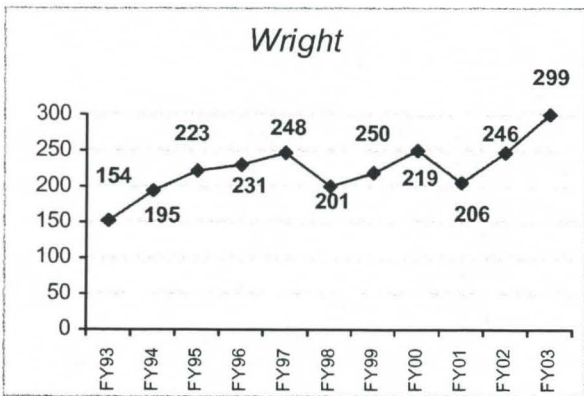
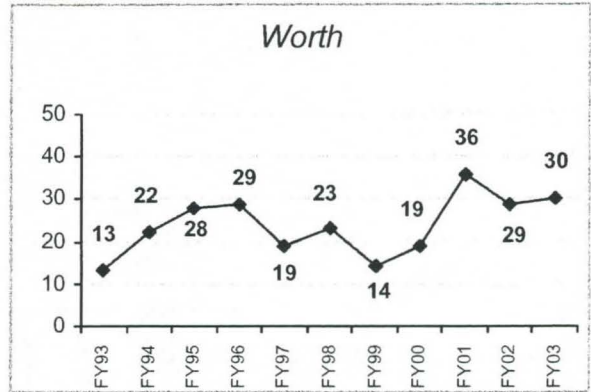
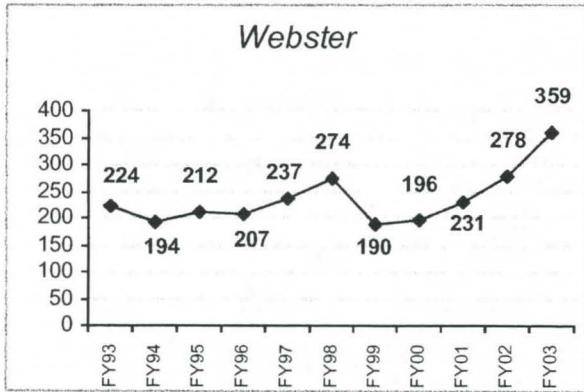




# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

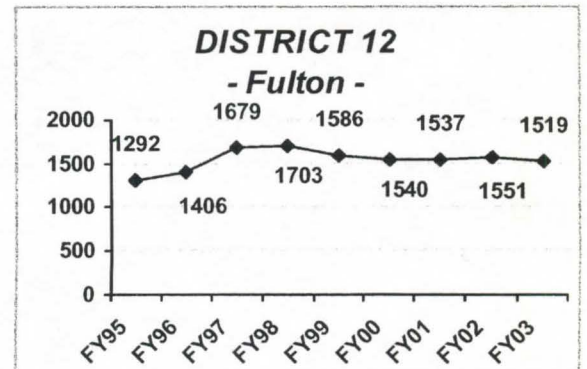
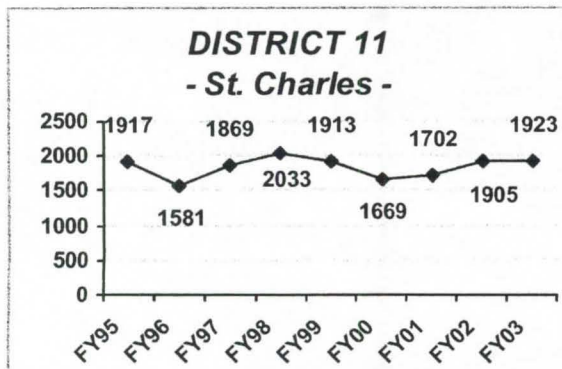
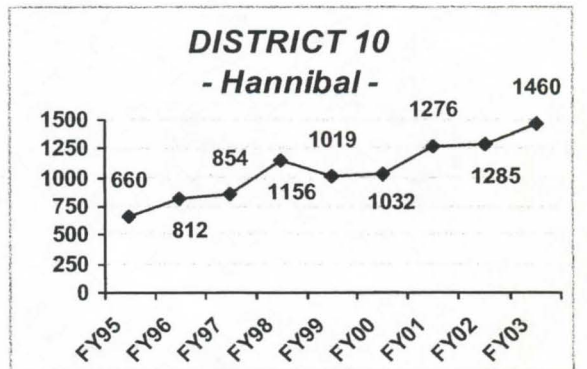
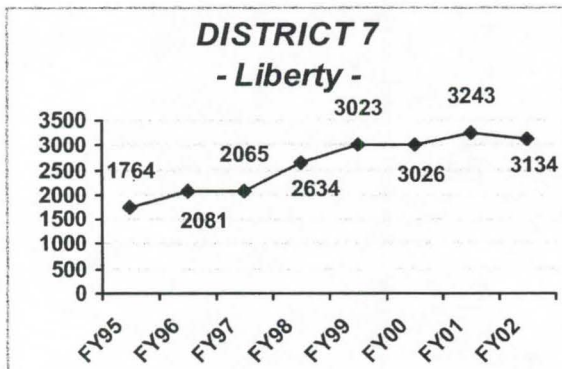
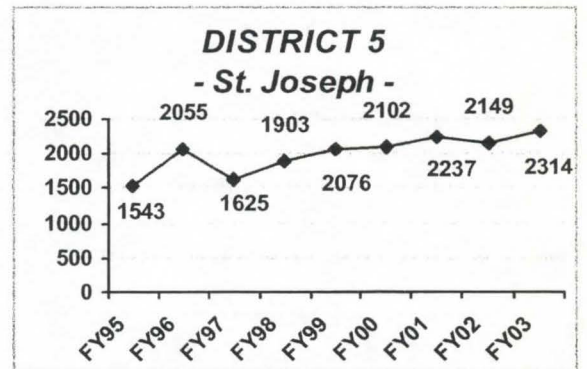
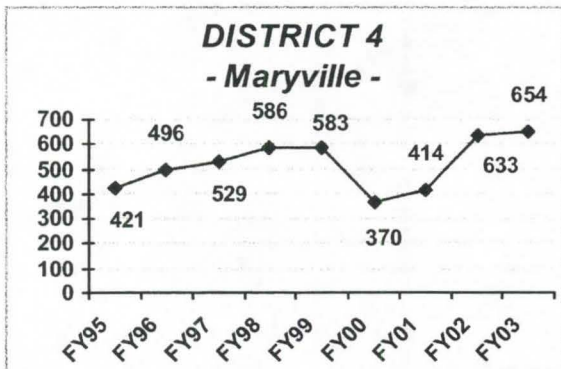
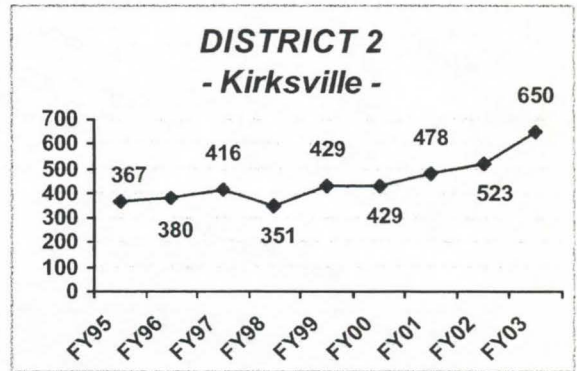
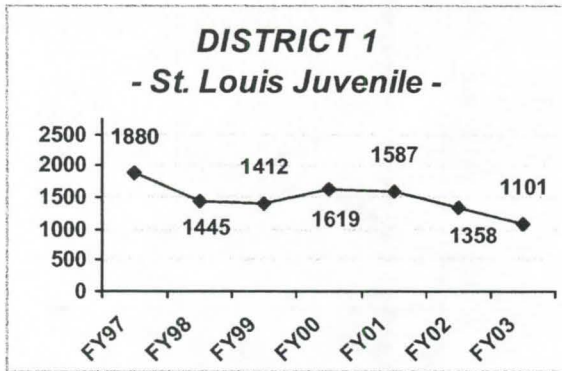


# FISCAL YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

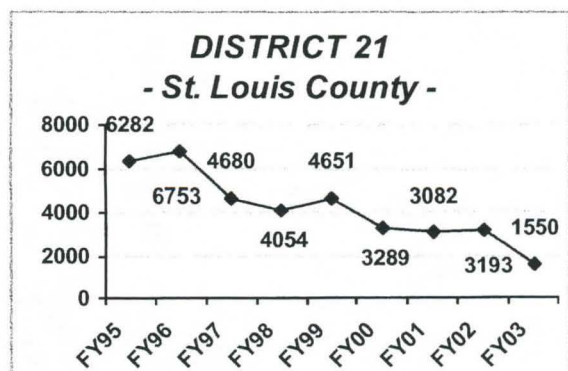
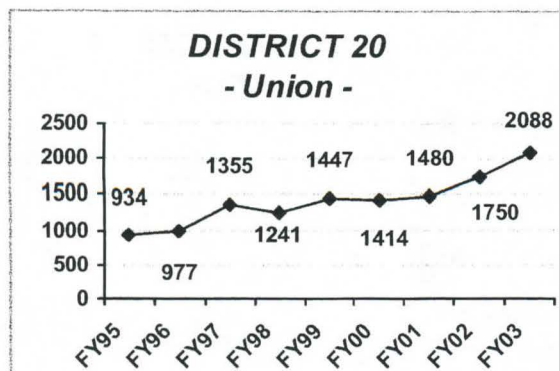
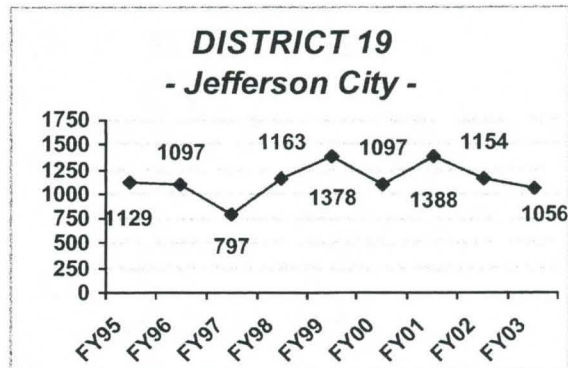
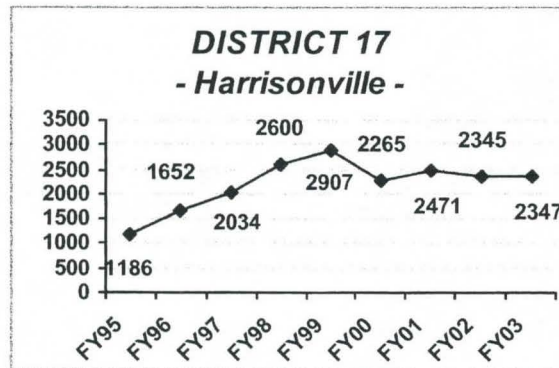
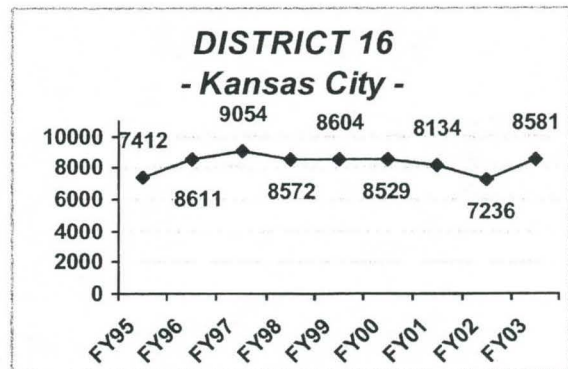
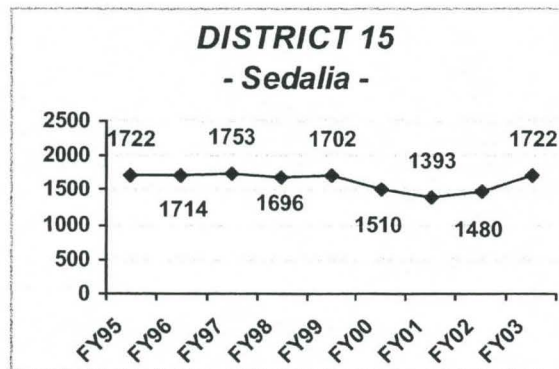
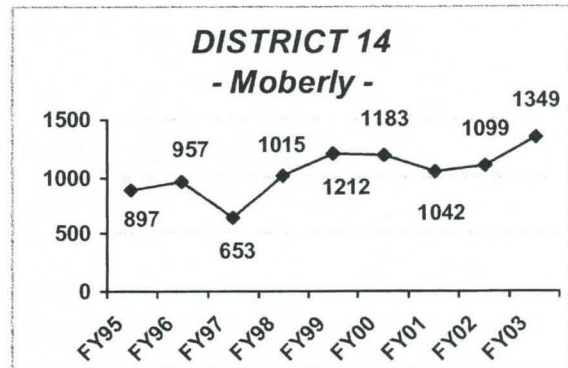
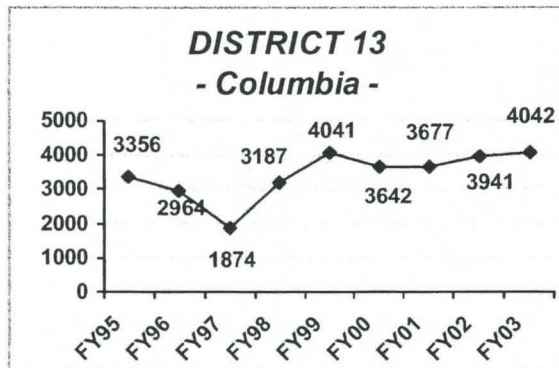




# Disposed Caseload -By District FY1995 to FY2003

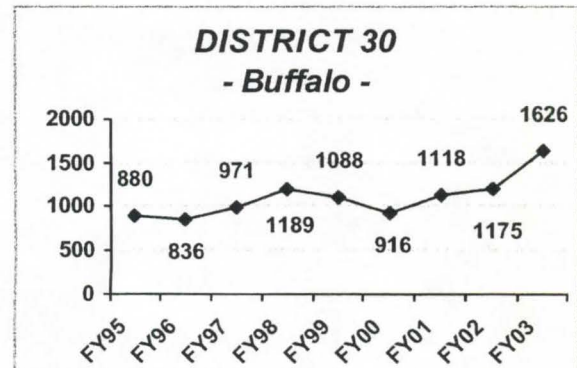
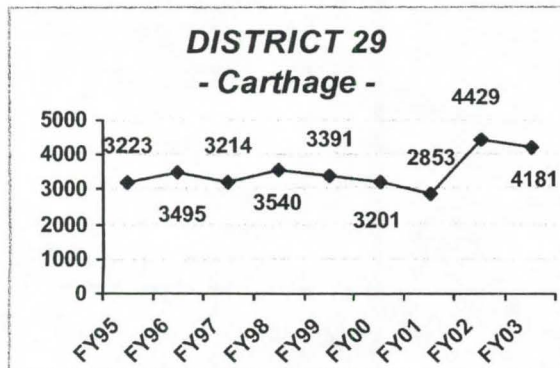
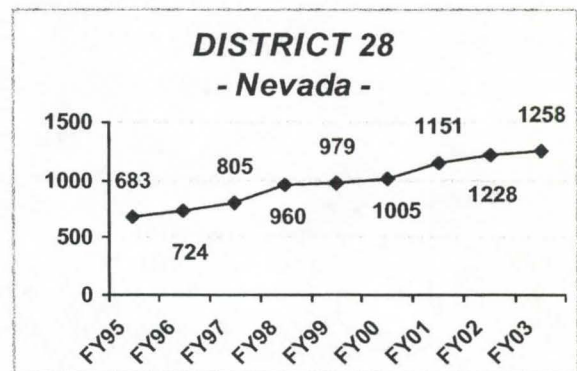
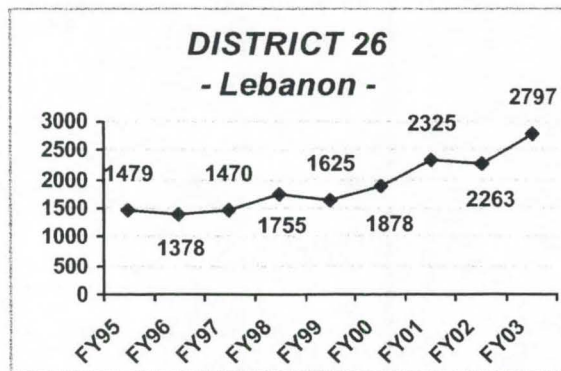
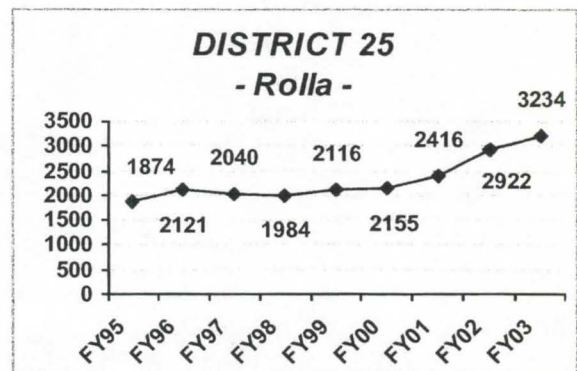
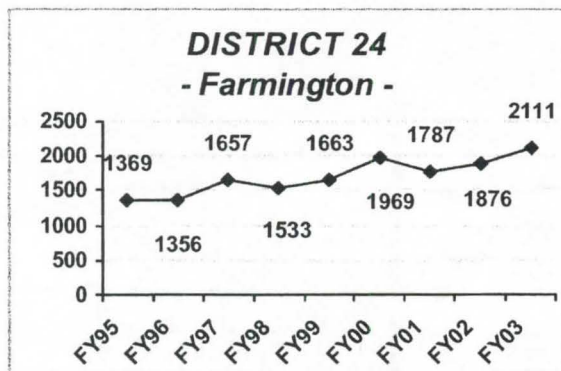
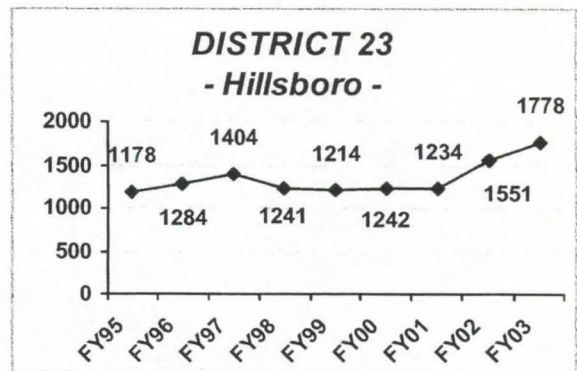
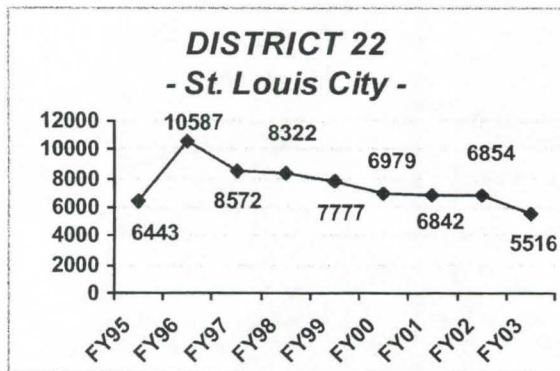


# Disposed Caseload –By District FY1995 to FY2003

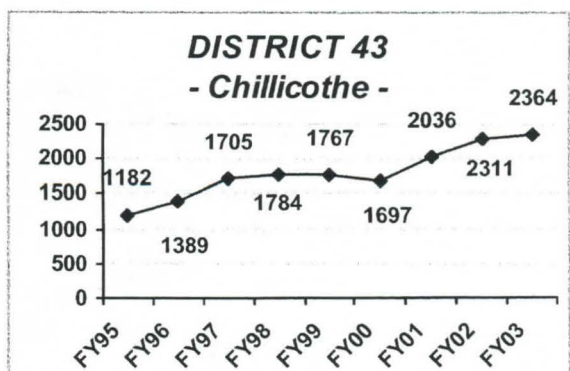
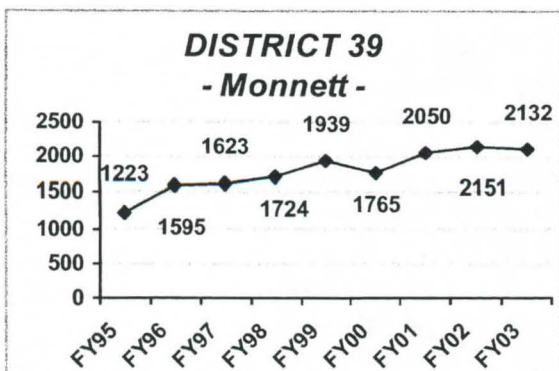
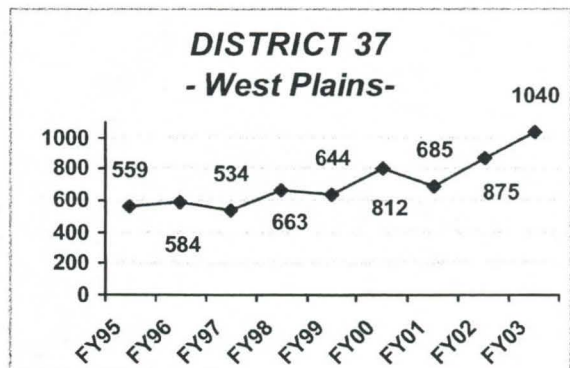
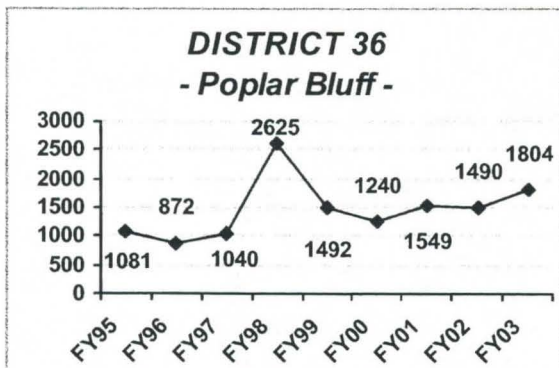
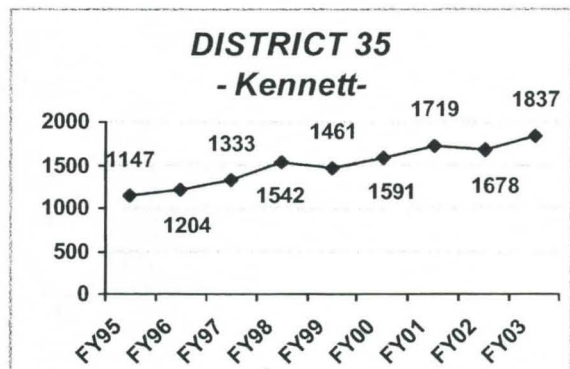
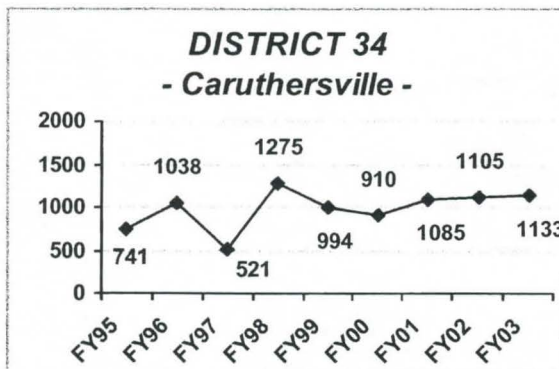
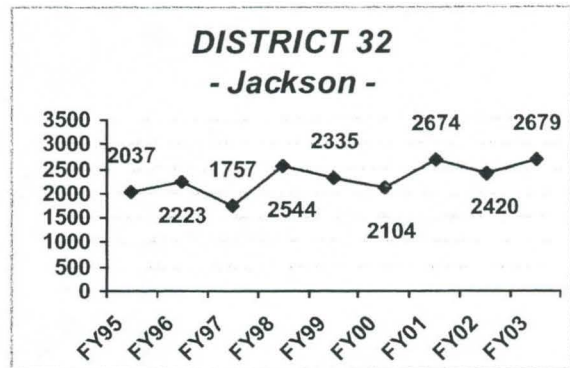
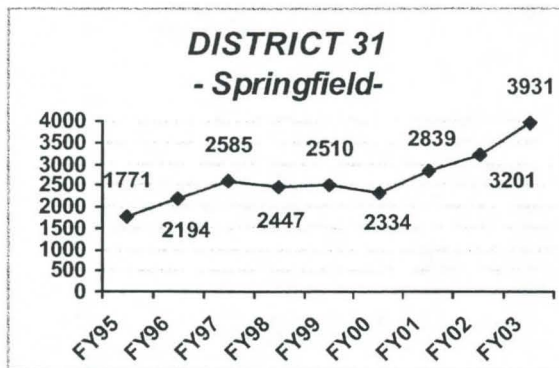




# Disposed Caseload -By District FY1995 to FY2003

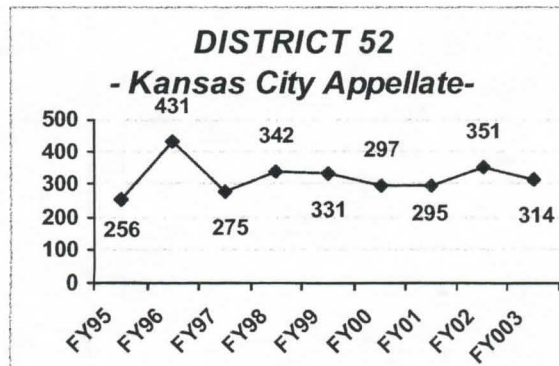
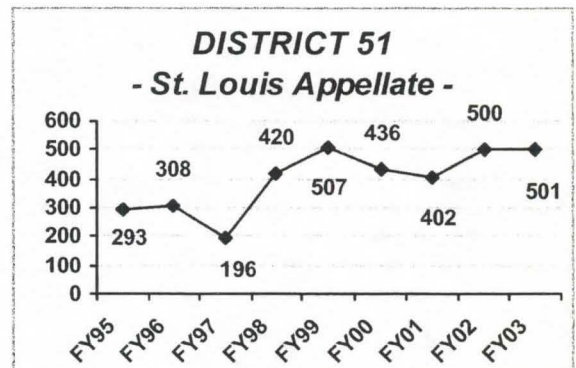
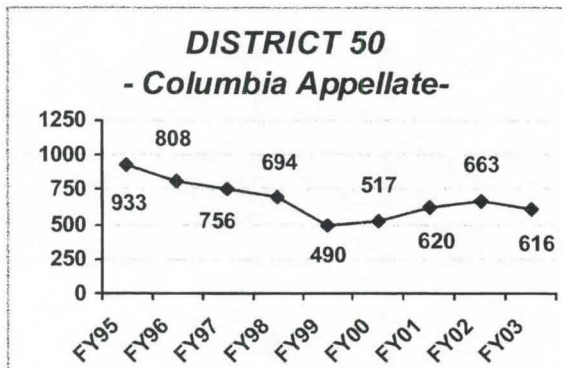
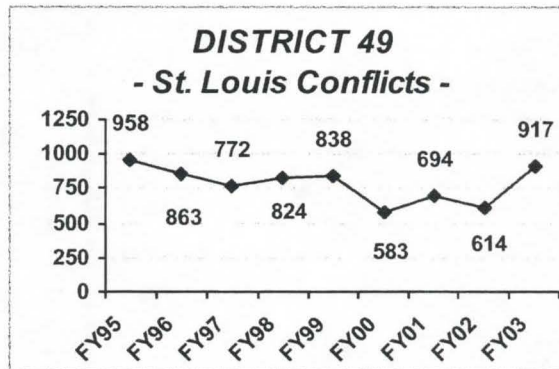
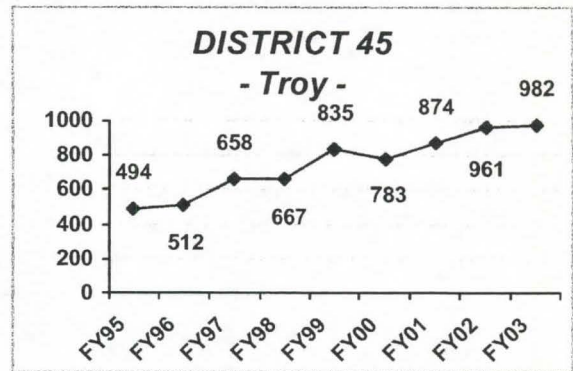
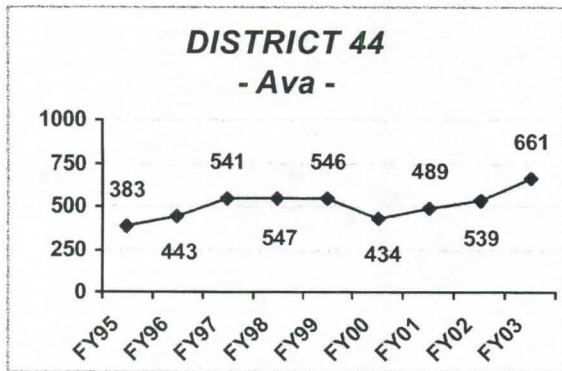


# Disposed Caseload -By District FY1995 to FY2003

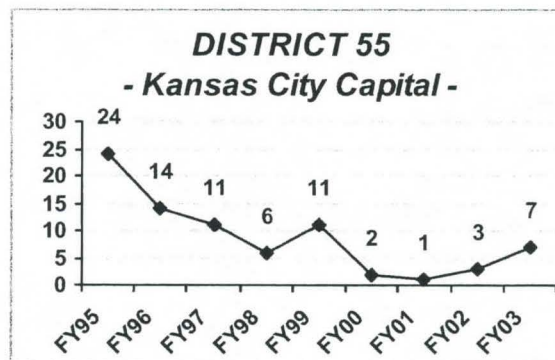
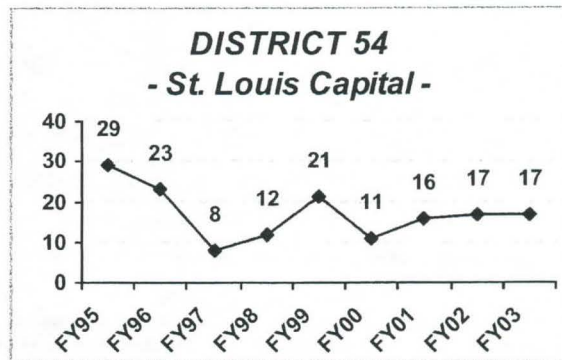
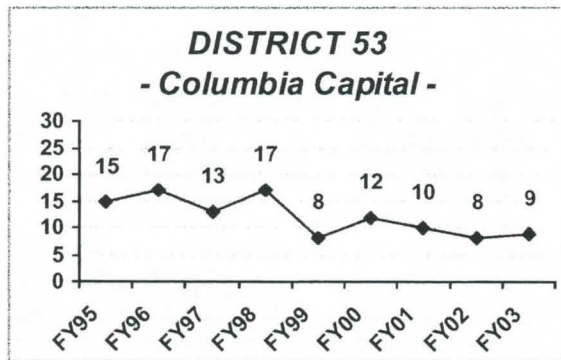




# Disposed Caseload –By District FY1995 to FY2003



## Disposed Caseload –By District FY1995 to FY2003





## Cases Closed

### Cost of Cases Closed

The direct cost, on average, of all cases disposed by to the State Public Defender System (including Death Penalty Representation) in Fiscal Year 2003 was \$269.94. The Trial Division average was \$202.58. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in 1981.

### **FISCAL YEAR 2003 – TRIAL DIVISION COSTS PER CASE**

District	Location	Current District Defender	Total Costs For District	FY03 Cases Assigned	Cost Per Assignment	FY03 Cases Disposed	Cost Per Disposition
1	Juvenile	Daniel Underwood	\$433,174	1,235	\$350.75	1,101	\$393.44
2	Kirskville	Richard Scheibe	\$178,045	673	\$264.55	650	\$273.92
4	Maryville	Jeff Stephens	\$196,936	708	\$278.16	654	\$301.13
5	St. Joseph	Bert Godding	\$425,199	2,317	\$183.51	2,314	\$183.75
6	Kansas City Juvenile	Mary Bellm	\$271,084	1,306	\$207.57	1,197	\$226.47
7	Liberty	Anthony Cardarella	\$552,055	3,593	\$153.65	3,464	\$159.37
10	Hannibal	Raymond Legg	\$271,533	1,483	\$183.10	1,460	\$185.98
11	St. Charles	Christine Sullivan	\$461,016	1,824	\$252.75	1,923	\$239.74
12	Fulton	Michael Hamilton	\$275,078	1,645	\$167.22	1,519	\$181.09
13	Columbia	Kathryn Benson	\$599,456	4,044	\$148.23	4,042	\$148.31
14	Moberly	Kirt Zwick	\$288,914	1,378	\$209.66	1,349	\$214.17
15	Sedalia	Kathleen Brown	\$399,434	1,780	\$224.40	1,722	\$231.96
16	Kansas City	Joel Elmer	\$2,024,342	9,210	\$219.80	8,581	\$235.91
17	Harrisonville	Jeffery Martin	\$432,153	2,554	\$169.21	2,347	\$184.13
19	Jefferson City	Jan King	\$237,897	1,318	\$180.50	1,056	\$225.28
20	Union	Lisa Preddy	\$250,605	1,946	\$128.78	2,088	\$120.02
21	St. Louis County	Shawn Goulet	\$1,203,172	3,553	\$338.64	1,550	\$776.24
22	St. Louis City	Eric Affolter	\$1,517,206	5,926	\$256.03	5,516	\$275.06
23	Hillsboro	Lisa Clover	\$273,673	1,852	\$147.77	1,778	\$153.92
24	Farmington	Wayne Williams	\$400,019	2,213	\$180.76	2,111	\$189.49
25	Rolla	Jahnel Lewis	\$428,314	3,274	\$130.82	3,234	\$132.44
26	Lebanon	James Wilson	\$487,471	2,727	\$178.76	2,797	\$174.28
28	Nevada	Joe Zuzal	\$222,306	1,268	\$175.32	1,258	\$176.71
29	Joplin	Darren Wallace	\$803,892	4,225	\$190.27	4,181	\$192.27
30	Buffalo	Dewayne Perry	\$273,195	1,622	\$168.43	1,626	\$168.02
31	Springfield	Rodney Hackathorn	\$645,751	4,165	\$155.04	3,931	\$164.27
32	Jackson	Christopher Davis	\$528,391	2,890	\$182.83	2,679	\$197.23
34	Caruthersville	Michael Skrien	\$267,115	1,123	\$237.86	1,133	\$235.76
35	Kennett	Catherine Rice	\$286,307	1,838	\$155.77	1,837	\$155.86
36	Poplar Bluff	Lashon Rhodes	\$314,441	1,708	\$184.10	1,804	\$174.30
37	West Plains	Danna Anthony	\$222,533	1,025	\$217.11	1,040	\$213.97
39	Monett	Victor Head	\$579,385	2,438	\$237.65	2,132	\$271.76
43	Chillicothe	David Miller	\$462,371	2,444	\$189.19	2,364	\$195.59
44	Ava	Susan Faust	\$179,063	740	\$241.98	661	\$270.90
45	Troy	Thomas Gabel	\$230,537	999	\$230.77	982	\$234.76
49	St. Louis Conflicts	Closed	\$332,380	645	\$515.32	917	\$362.46
71	Sexually Violent Predators	Ellen Balu	\$432,919	49	\$8,835.07	36	\$12,025.51

### FISCAL YEAR 2003 – APPELLATE DIVISION COSTS PER CASE

District	Location	Current District Defender	Total Costs For District	FY03 Cases Assigned	Cost Per Assignment	FY03 Cases Disposed	Cost Per Disposition
50	Columbia Appellate	Ellen Flottman	\$749,712	310	\$2,418.42	294	\$2,550.04
51	St. Louis Appellate	Scott Thompson	\$530,305	266	\$1,993.63	283	\$1,873.87
52	Kansas City Appellate	Susan Hogan	\$463,285	184	\$2,517.86	205	\$2,259.93
67	Appellate/PCR Central A	Steve Harris	\$714,745	363	\$1,968.99	322	\$2,219.70
68	Appellate/PCR Eastern B	Renee Robinson	\$483,647	258	\$1,874.60	218	\$2,218.56
69	Appellate/PCR Western B	Andrew Schroeder	\$213,455	189	\$1,129.39	109	\$1,958.30

### FISCAL YEAR 2003 – CAPITAL DIVISION COSTS PER CASE

District	Location	Current District Defender	Total Costs For District	FY03 Cases Assigned	Cost Per Assignment	FY03 Cases Disposed	Cost Per Disposition
53	Columbia Capital	Jan Zembles	\$852,708	9	\$94,745.32	11	\$77,518.90
54	St. Louis Capital	Robert Wolfrum	\$1,247,165	17	\$73,362.67	10	\$124,716.53
55	Kansas City Capital	Thomas Jacquinet	\$670,402	7	\$95,771.65	6	\$111,733.59



FIRST REGULAR SESSION  
TRULY AGREED TO AND FINALLY PASSED

**HOUSE BILL NO. 1012  
91ST GENERAL ASSEMBLY  
FY2003**

Section 12.300. To the Office of State Public Defender

For the purpose of funding the State Public Defender System

Personal Service	<b>0911/95123</b>	\$22,104,233
Expense and Equipment	<b>0912/95124</b>	<u>\$5,747,551</u>
Subtotal		\$27,851,784

For payment of expenses as provided by Chapter 600, RSMo.  
associated with the defense of violent crimes and/or the  
defense of cases where a conflict of interest exists

Expense and Equipment	<b>8727/67095</b>	<u>\$2,309,850</u>
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From General Revenue Fund	\$30,161,634
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For expenses authorized by the Public Defender Commission  
as provided by Section 600.090, RSMo.

Personal Service	<b>0951/72823</b>	\$57,178
Expense and Equipment	<b>7673/63783</b>	<u>\$1,157,356</u>

From Legal Defense and Defender Fund	\$1,214,534
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For refunds set-off against debts as required by  
Section 143.786, RSMo.

From Debt Offset Escrow Fund	<b>0753/3023/80023</b>	\$1,050,000E
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For all grants and contributions of funds from the federal  
government or from any other source which may be deposited  
in the State Treasury for the use of the Office of the State  
Public Defender

From Federal Funds	<b>4006/90254</b>	<u>\$125,000</u>
Total (Not to exceed 560.13 F.T.E.)		\$32,551,168*

## Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's Public Defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocations hearings and preliminary hearings which also require considerable research and preparation before the actual court appearance.

Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's Public Defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition. Some cases require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri's Public Defenders and support staff.

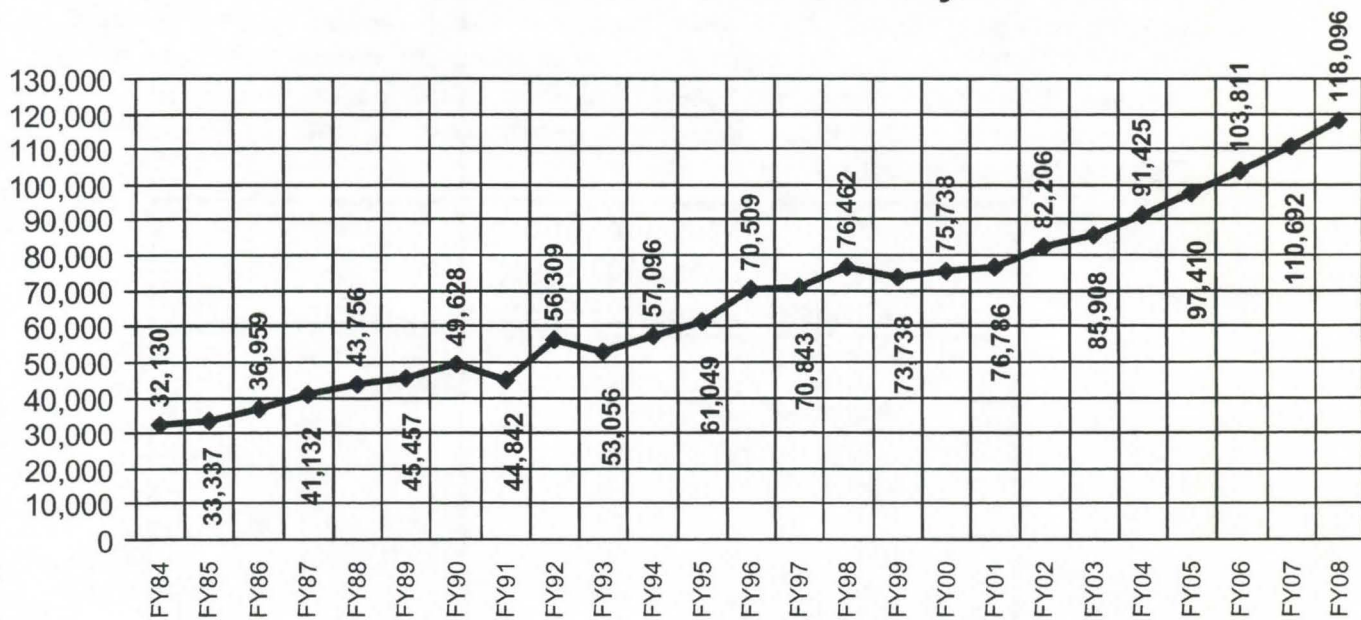
<b>FY2003 Trial Division Closed Cases by Disposition Type</b>		
	Description	# of Cases
01	Withdrawn	7,068
02	Dismissed/Withdrawn	12,086
03	NGRI	29
04	Guilty Plea	36,649
05	Court Trial	482
06	Jury Trial	426
10	Juvenile Hearing	1,498
11	Certification Hearing	55
12	Juvenile Informal Hearing	216
15	PCR No Hearing & PCR Hearings	1
20	Chapter 552	41
25	Probation Violation Hearing	14,940
30	Granted and Denied Writs	4
35	Appeal Decision	6
41	Conflict Transfer	3,201
42	Conflict Assignment	533
50	Capias Warrant > than 1 year	960
00	Unknown	806
	Total Trial Division Closed Cases	79,001



## Caseload Increase

An analysis of the caseload of the State Public Defender System shows a continued increase. In FY2003, the State Public Defender System provided representation in 85,908 newly assigned cases. The projection for FY2004 is 91,425 and for FY2005 is 97,410. By Fiscal Year 2008, it is projected that the State Public Defender System will be responsible for representation in over 118,000 criminal cases.

### Public Defender Caseload Analysis



September-03

### Missouri State Public Defender System

	Murder 1st	Other Homicide	Murder + Felony Felony	Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violations	Appeals	Total Assigned	Total Disposed	Disposed/ Assigned Ratio
FY08 PROJECTION	217	162	44,936	45,315	35,168	4,618	1,085	82	30,774	1,054	118,096	104,718	0.8867
FY07 PROJECTION	212	151	42,849	43,212	33,057	4,520	1,022	86	27,789	1,006	110,692	99,489	0.8988
FY06 PROJECTION	208	141	40,858	41,207	31,073	4,424	963	90	25,095	959	103,811	94,522	0.9105
FY05 PROJECTION	203	131	38,960	39,294	29,208	4,330	908	94	22,661	915	97,410	89,803	0.9219
FY04 PROJECTION	199	122	37,151	37,472	27,455	4,237	855	98	20,463	872	91,452	85,319	0.9329
FY03 ACTUAL	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059	0.9436
FY02 ACTUAL	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165	0.9387
FY01 ACTUAL	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438	0.9564
FY00 ACTUAL	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591	0.9188
FY99 ACTUAL	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570	1.0113
FY98 ACTUAL	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97 ACTUAL	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96 ACTUAL	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95 ACTUAL	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94 ACTUAL	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93 ACTUAL	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92 ACTUAL	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91 ACTUAL	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90 ACTUAL	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89 ACTUAL	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88 ACTUAL	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87 ACTUAL	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86 ACTUAL	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85 ACTUAL	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84 ACTUAL	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876



## **Sexually Violent Predator Representation**

The Missouri State Public Defender Sexually Violent Predator Unit represents poor people against whom the state has instituted civil commitment proceedings under Missouri's sexually violent predator law. This law enables the state to indefinitely detain people who have no new conviction and who have completed their prison sentences on certain types of sex offenses.

The SVP cases require experienced attorneys familiar with complex litigation and the use of expert witnesses. In addition to extensive knowledge of criminal law, these cases also require our attorneys to have extensive knowledge of civil law and litigation. Courts have interpreted many of these civil commitment proceeding to be civil rather than criminal.

The relatively low number of cases closed in fiscal year 2003 reflects a period of several months in which many trial courts did not hold any SVP trials. This occurred because the trial courts were waiting for opinions from the US Supreme Court in Kansas v. Crane, which was decided in January 2002, and then from the Missouri Supreme Court in State v. Thomas, which required some changes in the interpretation of MO SVP standards and in the way juries are instructed.

Since May, when the Missouri Supreme Court articulated the standards set forth in Thomas, MSPD's SVP unit has tried close to 17 cases in courts across the state of Missouri.

<b>FY 2003 Sexually Violent Predator Unit Caseload Statistics</b>	
	<b># of Cases</b>
Opened in FY 2003	49
Closed in FY 2003	36*
Jury Trials	21
*Closed Cases are only temporary since any one committed has hearing and possibly trial right again in a year	

### Alternative Sentencing Program

The primary objective of the Public Defender Alternative Sentencing Program is to reduce the inappropriate incarceration of individuals in Missouri's overcrowded prisons. Creative sentencing, for inmates who would not be a threat to society, could result in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution. The Alternative Sentencing assisted in 244 cases where probations was granted.

FY2003 ALTERNATIVE SENTENCING Caseload Statistics	
Case Type	# of Cases
A— Felony	75
B—Felony	128
C—Felony	274
D—Felony	127
Misdemeanor	26
Juvenile	13
Unclassified	12
Total FY2003 Alternative Sentencing	655

FY2003 ALTERNATIVE SENTENCING Plans and Referrals	
Description	# of Cases
Sentencing with Full Alternative Sentencing Plan	443
Referrals – Treatment Placements	212
Total FY2003 Alternative Sentencing Caseload	655



## **Fiscal Year 2005 Budget Request**

### **Caseload Increase—Trial Division**

An analysis of the projected FY2005 caseload for the State Public Defender System shows an increase to 97,410 total cases assigned. Of the 97,410 it is estimated that 94,102 are trial division cases.

The Director of the State Public Defender System appointed a Caseload Standards Committee to develop caseload standards for the various categories of cases handled by the System. The Committee determined that 225 weight units is a reasonable standard workload for a competent attorney in a single jurisdiction office. The internal committee sought input figures for yearly standards from other states, from the American Bar Association, from the National Legal Aid and Defender Association and from the National Advisory Commission on Criminal Justice Standards and Goals (NAC). The National Advisory Commission on Criminal Justice Standards and Goals was appointed by the Administrator of the Law Enforcement Assistance Administration to formulate national criminal justice standards and goals for crime reduction and prevention at the State and local levels.

The Report of the Task Force on the Courts sets standards for the flow of cases through each stage of the criminal justice process, as well as basic standards for each of the system's component parts, including courts, court administration, prosecution and defense.

Below, quoted in its' entirety, is the National Advisory Commission's published standard regarding the caseload of a public defender.

#### **Standard 13.12 - Workload of Public Defenders**

**The caseload of a public defender office should not exceed the following:**

**Felonies per attorney per year: not more than 150;**

**Misdemeanors (excluding traffic) per attorney per year: not more than 400;**

**Juvenile court cases per attorney per year: not more than 200;**

**Mental Health Act cases per attorney per year: not more than 200;**

**and**

**Appeals per attorney per year: not more than 25.**

**For purposes of this standard, the term case means a single charge or set of charges concerning a defendant (or other client) in one court in one proceeding. An appeal or other action for post judgment review is a separate case.**

**If the public defender determines that because of excessive workload the assumption of additional cases or continued representation in previously accepted cases by his office might reasonably be expected to lead to inadequate representation in cases handled by him, he should bring this to the attention of the court.**

**If the court accepts such assertions, the court should direct the public defender to refuse to accept or retain additional cases for representation by his office.**

After analyzing each category of case, the committee recommended the case weights as identified on the Weight Caseload shown below. The case weights developed by the Caseload Standards Committee of the State Public Defender System place a heavier workload on attorneys than other states surveyed and the National Advisory Commission.

FY2005 Increased Caseload Decision Item - Trial Division				
Type of Case	Adjusted	# of Cases/	Projected	Weights
	Weights	Attorney/ Year	FY05 Cases	
Murder/Death	75.00	3	0	0.00
Murder1/LWOP	18.75	12	285	5,343.75
A/B Felonies	2.25	100	8,441	18,992.25
C/D Felonies	0.96	234	30,169	28,885.21
Misdemeanor	0.48	469	28,262	13,529.68
Juvenile	1.13	199	4,318	4,857.75
Probation Violations	1.00	225.00	22,627	22,627.00
Sum of Weights				71,608.64
			94,102	

The projected Trial Division Caseload for Fiscal Year 2005 is 94,102 cases with a weight of 71, 609. Using the developed standards of 225 weights per attorney per year, the Trial Division should have 318 attorneys to meet caseload demands.

As of September 8th, 2003, 291 attorney FTE have been assigned to the Trial Division. The decision item requested in the Fiscal Year 2005 Legislative Budget Request is for the 27 attorneys and the necessary support staff to bring the Trial Division up to the weighted caseload standards.

The total decision item request to bring representation up to the established standards in the Trial Division is \$1,966,865.



### Caseload Increase—Appellate Division

An analysis of the projected FY2005 caseload for the State Public Defender System shows an increase to 97,410 total cases assigned. Of the 97,410 it is estimated that 1,747 are appellate division cases.

The Caseload Standards Committee also identified corresponding weights associated with an appellate caseload. Again each attorney can reasonably provide representation in a workload standard equally 225 weight units.

FY2005 Increased Caseload Decision Item - Appellate Division				
Type of Case	Adjusted Weights	# of Cases/ Att/ Year	Actual FY04 Cases	Weights
Death Penalty PCR	75.00	3	8	584.06
Direct Appeals	8.04	28	476	3,828.25
24.035 Trials	5.00	45	565	2,825.75
29.15 Trials	9.38	24	289	2,713.17
PCR Appeals	5.60	40	362	2,024.75
Other	5.60	40	47	261.66
Sum of Weights			1,747	12,237.63
One Attorney for Every 225 Weights of Non Death Cases Potential Weights				12,237.63

The projected Appellate Division Caseload for Fiscal Year 2005 is 1,747 cases with a weight of 12,238. Using the developed standards of 225 weights per attorney per year, the Appellate Division should have 54 attorneys to meet caseload demands.

As of September 8th, 2003, 37.5 attorney FTE have been assigned to the Appellate Division. This decision item requests the 17 attorneys and the necessary support staff to bring the Appellate Division up to the weighted caseload standards.

The total decision item request to bring representation up to the established standards in the Appellate Division is \$1,287,301.

## Recruitment and Retention—Assistant Public Defenders I, II and III

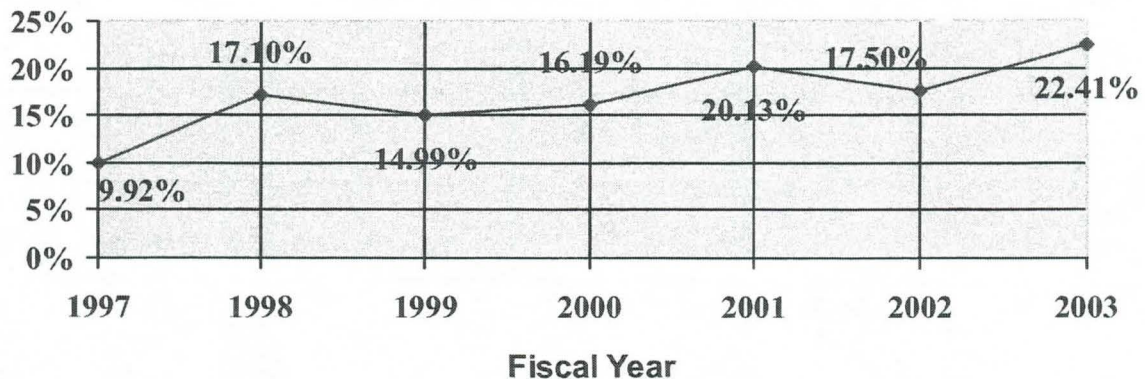
The inability of the State Public Defender to recruit and retain attorneys compromises the quality of justice and efficiency of Missouri's criminal justice system. It is a problem of crisis proportion.

Historically, high attorney turnover has plagued the State Public Defender System. In 1994, 60% of attorneys employed left the System within three years. In response to this problem, the legislature appropriated additional funding of \$1.2 million in Fiscal Years 1994 and 1995, specifically to improve attorney salaries and tenure.

The increased funding of the mid-90s temporarily improved attorney retention. However, today's attorney turnover rate is terrible and getting worse. The current attorney turnover rate is 22.41%. In addition to being unable to hire new graduates, experienced assistant public defenders at all levels are leaving the Department for the private sector.

Exit and employment interviews repeatedly reveal low pay and high caseloads as the primary reasons candidates do not choose to be employed, or remain employed, by the State Public Defender. The last targeted increase in attorney salaries was seven years ago. The General pay plan increases since FY96 have simply not kept pace with reasonably expected salaries for law school graduates and lawyers with 1-5 years experience.

**Attorneys Leaving Public Defender System**





The inability to recruit and retain attorneys is causing a crisis in the administration of Missouri's criminal justice system. This has been particularly evident the past three years.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose just 93% of the cases assigned. The FY03 backlog of nearly 5,000 cases is directly attributed to a shortage of experienced attorneys to handle them

This trend is continuing. The 4 year backlog was nearly 20,000 cases at the end of FY03 and is estimated to be well over 20,000 by the end of FY04. The backlog of cases is directly attributed to a shortage of experienced attorneys to handle them.

<b>Public Defender Caseload Backlog</b>			
<b>Fiscal Year</b>	<b>Assigned</b>	<b>Disposed</b>	<b>Net Difference</b>
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
2003	85,908	81,059	4,849
	320,638	301,253	19,385

Our FY05 decision item of \$1,085,060 will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

<b>Assistant Public Defenders – Recruitment and Retention</b>						
<b>To Market</b>	<b>Job Title</b>	<b># FTE</b>	<b>FY 04 Salaries</b>	<b>Proposed Salaries</b>	<b>Annual Increase</b>	<b>Cost of Adjustment</b>
24 M	Assistant Public Defender I's	59	\$31,992	\$36,012	\$4,029	\$237,711
26 R	Assistant Public Defender II's	103	\$35,328	\$43,308	\$7,980	\$594,516
28 R	Assistant Public Defender III	35	\$39,876	\$47,100	\$7,224	\$252,840
		<b>197</b>				<b>\$1,085,060</b>

### **Retention—Assistant Public Defenders IV Salary Increase**

The most experienced assistant public defenders, APD IVs, handle more and the most serious and complex cases. While not as great as the turnover in the middle and entry level assistant public defenders, the turnover rate is still unacceptable.

In FY03, 11% of all assistant public defender IVs left the Department. Just as these lawyers attain the experience and training the State Public Defender has to offer, they leave the system for private practice or higher paying prosecutor positions. Because these experienced, well-trained attorneys handle more and more serious cases, it is more efficient and cost effective to retain them.

While 100 percent retention is unlikely, moving these attorneys closer to “market” on Range 35 of the State’s UCP pay chart will reduce the unacceptable 11% loss rate.

This adjustment will also recognize the vital role Missouri’s APD IVs play in Missouri’s criminal justice system. Although they average over seven years of criminal law experience and handle nearly all Missouri’s most difficult and complex cases, current APD IV salaries do not even match the average entry level

Assistant Public Defender IV's - Retention						
<i>To Market</i>	<i>Job Title</i>	<i># FTE</i>	<i>FY 04 Salaries</i>	<i>Proposed Salaries</i>	<i>Annual Increase</i>	<i>Cost of Adjustment</i>
35R	Assistant Public Defender IV's	102.50	\$56,993	\$63,636	\$6,643	\$680,970
		<b>102.50</b>				<b>\$680,907</b>



### **District Defender's Salaries Comparable to Full-time Prosecuting Attorneys**

Pursuant to RSMo. 600.021.2, Public Defenders "*shall not otherwise engage in the practice of law*". Neither Chapter 600 nor Public Defender Commission rule allows public defenders to maintain a private law practice.

In contrast, prosecuting attorneys are allowed a private, civil practice, pursuant to RSMo. 56.360. A private law practice is not allowed for full-time prosecutors, such as when the position is made full-time pursuant to RSMo. 56.363.

A full-time prosecutor is responsible for the prosecution and overall supervision of the prosecutor's office staff in their respective county. The full-time prosecutor's equivalent, the District Defender, is responsible for indigent defense services, and overall supervision of the office staff for the district; usually a multi-county jurisdiction.

Prosecuting attorneys are compensated in accordance with RSMo. 56.265. Pursuant to RSMo. 56.265.1(1), a full-time prosecutor "*shall receive compensation equal to the compensation of an associate circuit judge*". Each 1st class county has a full-time prosecutor. More and more third and fourth class counties are electing to have full-time prosecutors.

The compensation of persons appointed District Defenders is fixed by the State Public Defender Commission, in accordance with RSMo. 600.021.3. However, the Commission has not been funded to bring District Defender salaries in line with their full-time prosecution counterparts.

This decision item will fund District Defender salaries, making them equal to that of a full-time prosecutor

District Defender's					
<b>Job Title</b>	<b># FTE</b>	<b>FY 04 Salaries</b>	<b>Proposed Salaries</b>	<b>Annual Increase</b>	<b>Cost of Adjustment</b>
District Defender	44.00	61,594	\$96,000	\$34,406	\$1,513,864
	<b>44.00</b>				<b>\$1,513,864</b>

## **Student Loan Relief**

There is a recruitment crisis as to assistant public defenders in the State of Missouri. Because of the inability to recruit new assistant public defenders, new positions created because of expanding caseloads, as well as vacant positions created by turnover, remain unfilled for extended periods of time. Open, vacant positions, particularly, in rural public defender offices, for periods of six months and more are not uncommon.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose just 94% of the cases assigned. The FY03 backlog of nearly 5,000 is directly attributed to a shortage of experienced attorneys to handle them.

This trend is continuing. The four year backlog was nearly 20,000 at the end of FY03 and expected to grow. The backlog of cases is directly attributed to a shortage of experienced attorneys to handle them.

Through new positions and turnover, the Office of the State Public Defender has openings for approximately 60 attorneys per year. However, these openings remain unfilled because of the inability to recruit.

Most new attorneys hired by the Office of State Public Defender are recent law school graduates. Nearly all those graduates have considerable student loan debt upon graduation. A recent survey indicates most law school graduates hired by the State Public Defender have law school debt of \$50,000 - \$100,000. Approximately five percent had debt in excess of \$100,000. Interviews with prospective candidates indicate that, although some students would prefer public service as public defenders, they simply cannot afford to with the entry level salary and the heavy student loan debt.

This decision item will provide student loan relief for assistant public defenders in their first 36 months of public defender service. Assistant public defenders with at least \$150.00 per month in student loan debt would receive up to \$150.00 per month during their first 36 months of service as assistant public defenders, so long as they perform satisfactorily as public defenders and are not in default on any student loan debt.

Increased recruitment and reduced vacancies will speed the disposition of criminal cases and increase the public defender caseload disposition rate.

The total decision item is \$324,000.



## Legislative Recommendations

### Office Space Requirements

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

**The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.**

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1989, a major reorganization of the state public defender system did away with the private contract counsel system. In fiscal years 1990 and 1991, the Missouri State Public Defender System greatly expanded its number of local offices and replaced the previous contract system in its entirety. Although this reorganization greatly changed the number of local offices, the manner of funding office rent and utilities for these offices was not changed.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which

allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

Disputes between counties and the Department of State Public Defender have expanded beyond the statutory obligation. Disputes have not only concerned whether or not office space will be provided at all, they have included *where* and *what* space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in woefully inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, and cramped quarters, to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. The State Public Defender is not interested in securing fancy, luxurious offices. It's interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

Most Public Defender districts are multi-county. Since the current statute requires each county to pay their pro rata share, inter-county cooperation is essential. It is not always forthcoming.

Although establishment of Public Defender offices is the authority of the State Public Defender Commission, (RSMo. 600.023), counties have sought to provide office space at the location of their choice; typically their own county. They have refused to pay their pro rata share to the host county when they are unhappy with the office location. On at least one occasion, these county disputes have risen to the point of lawsuits being filed.

The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.

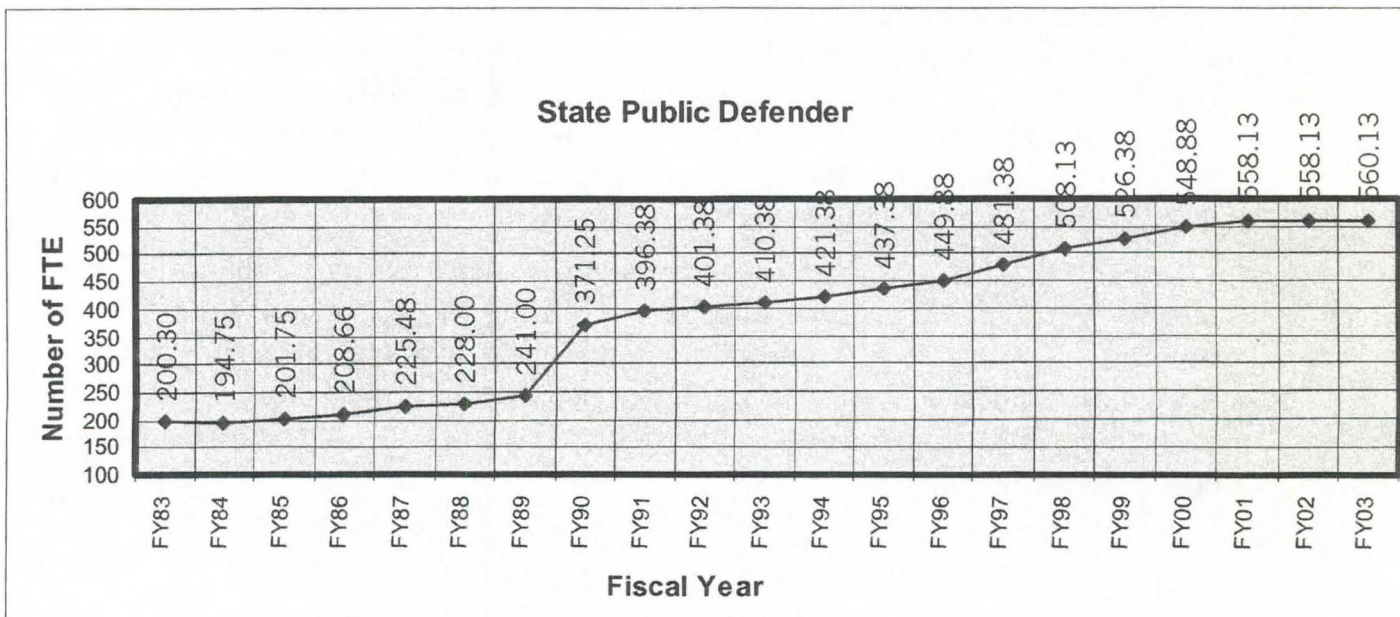


In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. Projecting a conservative 8% increase in caseload, Missouri's Public Defender System will handle over 99,798 cases by 2005. Moreover, a three year trend shows public defender caseload is decreasing in city offices, while it is up sharply in nearly all multi-county districts. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed, where needed.

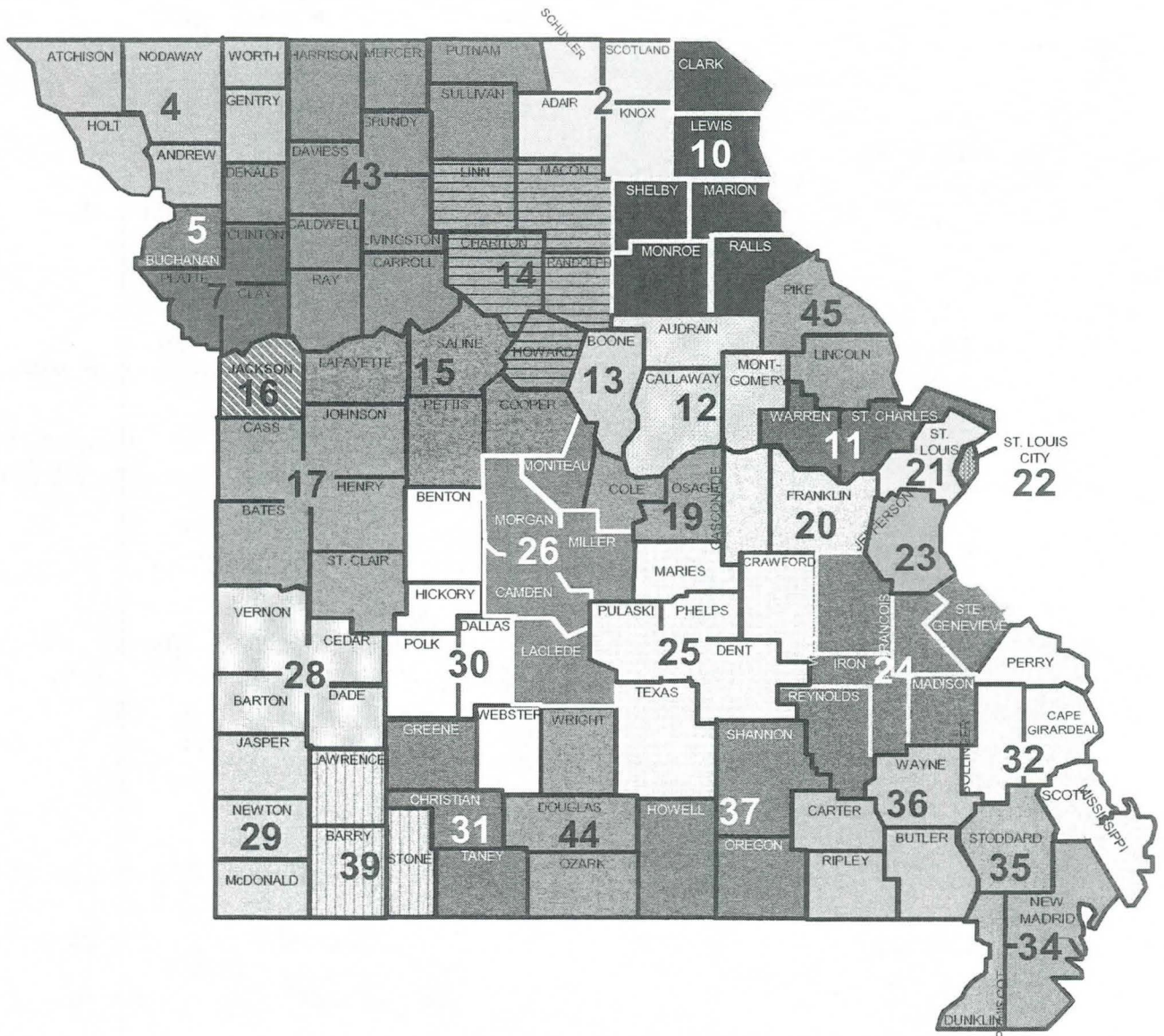
The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.



## Missouri State Public Defender Trial Division District Map





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#### **Area 7 – Clay, Clinton, Platte Counties**

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#### **Area 10 -- Clark, Lewis, Marion, Monroe, Ralls, Shelby Counties**

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